

2009 SENATE APPROPRIATIONS

SB 2002

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2002

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-22-09

Recorder Job Number: 7541

Committee Clerk Signature 

Minutes:

Chairman Holmberg called the committee hearing to order at 9:40 am in regards to SB 2002 relating to the salaries of supreme and district court judges.

Chief Justice Gerald VandeWalle, ND Supreme Court

Made opening remarks

Chairman Holmberg stated the subcommittee on this subject will be **Senator Christmann, Senator Warner, and Senator Kilzer.**

Sally Holewa, State Court Administrator

Testified in favor of SB 2002. (Written testimony # 1 Judicial Appropriation- Overview of Budget tab)

Chairman Holmberg reminded the committee that this is one of two budgets where the governor really doesn't have input. That budget is submitted directly to the appropriations committee.

Sally Holewa:

(Continuing page 2)

18:29

Senator Mathern questioned the money put into meetings.

Sally Holewa replied that the money is in the operating costs and goes toward funding staffing positions, operating expenses, and also informational meetings.

Senator Mathern: In reference to page 6 with drug costs, domestic violence, twenty years ago these things were done in human services centers. Now it looks like we're going into the courts, and it's basically social. Is there any discussions going on about the cost of these different departments? A judges' salary doing the work of a social worker vs. a social worker's salary is a dramatic in the amount of money.

Sally Holewa replied that there has been great discussion. They refer to these problem solving courts as therapeutic jurisprudence. Who's responsible and who's paying? In the last 15 years, the discussion shows there are better results with courts.

(22:09)

Senator Robinson asked about plans for further expansion of drug courts and how the people are tracked.

Senator Warner asked how many people are served by \$65,000 in light of services.

Sally Holewa stated there are not as many as you would hope. Many kids are coming back every week and are being tracked. There are very small case loads.

Senator Krauter asked about judges' compensation for drug courts and if there is difficulty in getting more drug courts established to which **Sally Holewa** replied that you have to be temperamentally suited to be in drug courts.

Gerald VanderWalle added that he will not put a judge on a court unless the resources are there. The coordinators have to pull all things together and the judge may be the least significant person involved.

Justice Mary Maring agreed and said that Bismarck has juvenile and adult drug court. They try to move as rapidly as they can.

Senator Krauter asked if case management systems come under drug court.

Senator Robinson stated that the chief justice referred to the role that parole and probation plays within the drug courts. There are tremendous case loads. Are there additional people put on to spend more time with drug court clients?

(33:21)

Justice Maring said absolutely. The Supreme Court has probation in the budget. The juvenile court probation is within this budget.

Senator Mathern asked how they see the funding for these services in the future so that everyone gets the services. At what point will we get where it's required to have these services in every region.

Justice Maring: I don't know if we'll ever get there. These courts do require treatment. We don't have all the addiction counselors that we need and they are mostly using group therapy. That is not the preferred treatment. If we are going to get handle on drug & alcohol, we must have treatment.

Dale Sandstrom, Supreme Court Justice, Chairman of Court Technology Committee

38 15

(Reading from Judicial Appropriations – Tech Activities and Enhancements tab)

UCIS – district court case management system and he is seeking funds to replace the UCIS system.

(45:33)

Chairman Holmberg: When you were working on this with your people, did they explore how the state handled the higher education system? And how are you assured that what you have done and are doing is the right thing based upon the track record that those of us around this table have seen.

Dale Sandstrom: We are certainly aware of the problems that have been out there. We have an overwhelming desire to not be added to list and we are trying to do everything we can to anticipate and avoid that. We are ahead of the curve of other states and agencies since we have all of our court data on a single system now.

Chairman Holmberg asked if he will have to come in next session after working with Cass and Traill counties as a pilot program and say we need more to finish.

Dale Sandstrom: There are going to be ongoing operating costs as with any computer program as you go biennium to biennium. We want to make sure everything is working in Traill & Cass before we move on.

V. Chair Bowman asked when this is implemented, will it eliminate anything and they will come back and say we now need more help because of technology.

Dale Sandstrom: The clerk's office belief is that it will be easier for them. We won't have to file paper because it's all electronic. It should not increase the number of people.

(Continuing on page 4)

Don Wolf, Director of Finance for the Judiciary

Testified in favor of SB 2002. (Reading from Judicial Appropriations - Detailed Budget tab)

Senator Krauter asked if all the money appropriated for salaries through 2007 biennium was used.

Don Wolf: It will be by the end of this year. 1 07 19

(Continuing reading page 3)

Ended testimony – 1 14 53

Senator Warner asked him to elaborate on judicial branches need for space.

Gerald Vanderwalle commented that the statute says the counties will provide space to the courts. If you want to give the counties money, give it to them, but please don't ask us to negotiate with 53 counties. It would be easier to have the funds and appropriations.

Chairman Holmberg closed the hearing on SB 2002.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

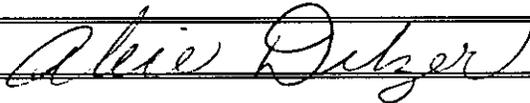
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-11-09

Recorder Job Number: 9275

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2002. (19.37) He had questions regarding the amendments and the relationship of SB 2023 to this bill

Senator Christmann explained the amendments to the committee. He stated there were two different amendments. They had to do with the number of judgeships and juror compensation.

Senator Warner stated they had a good discussion. The subcommittee differed on only one item. He stated he would like to restore 3 deputies of clerk court positions.

Senator Christmann stated he wouldn't disagree on the value of these clerks, but let's see if we need them once we get the computer system up and running and some of the work load eased and then take a look it. More discussion took place regarding the deputy clerk of court position and temporary jobs until the computer system up and running.

Senator Krauter had questions regarding the salary issue and being able to hire qualified individuals for a temporary job.

Senator Warner mentioned they had talked about the law clerks and their usefulness for the judges and takes part of the burden off of the judges. If we had to do one or the other do we add the judges instead of the deputy clerks? (35.07)

Senator Christmann questioned how we could handle this. Senator Warner's alternative is not on paper.

Chairman Holmberg stated they could make the motion to adopt that Senator Warner can move to restore the 3 deputy clerk of court positions.

Senator Christmann moved a do pass on amendment #98181.0101. **Seconded by V.**

Chair Bowman. A voice vote was held and it carried. (36.28)

Senator Warner further amended to restore the three deputy clerk of court positions as the agency requested and the funding. **Seconded by Senator Mathern**

Chairman Holmberg stated that is footnote 3 and it is over on the bottom of page, the other page 2, remove new clerk of court positions and restore the dollar amount listed there. Very understandable. All in favor of that motion say aye, opposed Nay, not sure, did a show of hands.

He was asked then to record it. Call the roll please on amendment 2 101 and if it passes it will be come 103. A roll call vote was taken, there was confusion and the committee asked

Chairman Holmberg to explain the motion. The motion is to approve the amendment of Senator Warner which would restore the 3 clerk of court positions. **A roll call vote was taken regarding Senator Warner's amendment resulting in 7 yeas, 7 nays, 0 absent. Motion died for lack of majority 7-7.**

Chairman Holmberg asked for a motion on the bill.

Senator Christmann moved DO PASS AS AMENDED on 2002. **Seconded by V. Chair Bowman.** Roll call was taken resulting in 13 yeas, 1 nay, 0 absent. **Senator Warner** will carry the bill.

Chairman Holmberg closed the hearing on SB 2002. (40.38)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2002

Page 1, line 14, replace "1,291,054" with "1,118,391" and replace "8,362,659" with "8,189,996"

Page 1, line 15, replace "50,491" with "48,191" and replace "2,199,676" with "2,197,376"

Page 1, line 17, replace "23,033" with "4,790" and replace "145,264" with "127,021"

Page 1, line 18, replace "1,281,127" with "1,087,921" and replace "10,720,148" with "10,526,942"

Page 1, line 23, replace "6,737,051" with "6,027,542" and replace "48,839,670" with "48,130,161"

Page 1, line 24, replace "7,131,601" with "7,216,641" and replace "20,276,282" with "20,361,322"

Page 2, line 2, replace "(42,094)" with "(72,044)" and replace "563,655" with "533,705"

Page 2, line 6, replace "15,385,120" with "14,730,701" and replace "72,873,576" with "72,219,157"

Page 2, line 8, replace "15,555,250" with "14,900,831" and replace "71,143,115" with "70,488,696"

Page 2, line 22, replace "16,917,418" with "16,069,793" and replace "82,362,546" with "81,514,921"

Page 2, line 24, replace "16,762,585" with "15,914,960" and replace "84,407,353" with "83,559,728"

Page 2, line 25, replace "11.0" with "0" and replace "349.0" with "338.0"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98181.0101 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
Supreme Court			
Total all funds	\$10,720,148	(\$193,206)	\$10,526,942
Less estimated income	0	0	0
General fund	\$10,720,148	(\$193,206)	\$10,526,942
District Courts			
Total all funds	\$72,873,576	(\$654,419)	\$72,219,157
Less estimated income	1,730,461	0	1,730,461
General fund	\$71,143,115	(\$654,419)	\$70,488,696
Judicial Conduct Commission			
Total all funds	\$813,629	\$0	\$813,629
Less estimated income	314,346	0	314,346
General fund	\$499,283	\$0	\$499,283
Bill total			
Total all funds	\$84,407,353	(\$847,625)	\$83,559,728
Less estimated income	2,044,807	0	2,044,807
General fund	\$82,362,546	(\$847,625)	\$81,514,921

Senate Bill No. 2002 - Supreme Court - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$8,362,659	(\$172,663)	\$8,189,996
Operating expenses	2,199,676	(2,300)	2,197,376
Capital assets	12,549		12,549
Judges' retirement	145,264	(18,243)	127,021
Total all funds	\$10,720,148	(\$193,206)	\$10,526,942
Less estimated income	0	0	0
General fund	\$10,720,148	(\$193,206)	\$10,526,942
FTE	46.00	(1.00)	45.00

Department No. 181 - Supreme Court - Detail of Senate Changes

	Removes New Attorney Position¹	Reduces Judges' Retirement²	Total Senate Changes
Salaries and wages	(\$172,663)		(\$172,663)
Operating expenses	(2,300)		(2,300)
Capital assets			
Judges' retirement		(18,243)	(18,243)
Total all funds	(\$174,963)	(\$18,243)	(\$193,206)
Less estimated income	0	0	0
General fund	(\$174,963)	(\$18,243)	(\$193,206)
FTE	(1.00)	0.00	(1.00)

	Reduces Judges' Retirement ⁷	Adds Funding for Increasing Juror Compensation ⁸	Total Senate Changes
Salaries and wages			(\$709,509)
Operating expenses		76,000	85,040
Capital assets			
Judges' retirement	(29,950)		(29,950)
UND Central Legal Research			
Alternative dispute resolution			
Mediation			
Total all funds	(\$29,950)	\$76,000	(\$654,419)
Less estimated income	0	0	0
General fund	(\$29,950)	\$76,000	(\$654,419)
FTE	0.00	0.00	(10.00)

¹ This amendment removes 4 FTE technology coordinator positions added in the agency request but does not remove the related funding of \$473,484 to allow the Supreme Court to hire temporary employees or contract for the services.

² One FTE family court coordinator position added in the agency request is removed.

³ Three FTE deputy clerk of court positions added in the agency request are removed.

⁴ Two FTE law clerk positions added in the agency request are removed.

⁵ Funding for operating expenses added in the agency request relating to the new FTE positions is removed.

⁶ This amendment provides funding for the administration of a parenting coordinator program.

⁷ This amendment reduces the amount required for the judges' retirement.

⁸ Funding is added for increasing juror compensation from \$25 to \$50 per day.

Date: 2/11/01

Roll Call Vote # 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2002

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 98181.0101

Action Taken Do Pass Do Not Pass Amended

Motion Made By Christmann Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Chairman			Sen. Aaron Krauter		
Sen. Bill Bowman, VCh			Sen. Elroy N. Lindaas		
Sen. Tony S. Grindberg, VCh			Sen. Tim Mathern		
Sen. Randel Christmann			Sen. Larry J. Robinson		
Sen. Tom Fischer			Sen. Tom Seymour		
Sen. Ralph Kilzer			Sen. John Warner		
Sen. Karen K. Krebsbach					
Sen. Rich Wardner					

Total Yes Unai Vote Carried

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/11/01
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2002

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number (would become 103 if passed)

Action Taken Do Pass Do Not Pass Amended

Motion Made By Warner Seconded By Mather

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner		✓	Senator Robinson	✓	
Senator Fischer		✓	Senator Lindaas	✓	
V. Chair Bowman		✓	Senator Warner	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Christmann		✓	Senator Seymour	✓	
Chairman Holmberg		✓	Senator Mather	✓	
Senator Kilzer		✓			
V. Chair Grindberg		✓			

Total Yes 7 No 7

Absent Motion died for lack of majority - 7-7

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Restore 3 clerks of court positions (deputy)

Date: 2/11/09
Roll Call Vote #: 3

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2002

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Christman Seconded By Bowman

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner	✓		Senator Robinson	✓	
Senator Fischer	✓		Senator Lindaas	✓	
V. Chair Bowman	✓		Senator Warner	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Christmann	✓		Senator Seymour	✓	
Chairman Holmberg	✓		Senator Mathern	✓	✓
Senator Kilzer	✓				
V. Chair Grindberg	✓				

Total Yes 13 No 1

Absent 0

Floor Assignment ~~Atte~~ Warner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "1,291,054" with "1,118,391" and replace "8,362,659" with "8,189,996"

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STATEMENT OF PURPOSE OF AMENDMENT - LC 98181.0101 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 HOUSE APPROPRIATIONS

SB 2002

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

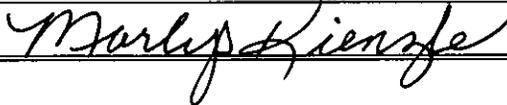
House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 2/26/09

Recorder Job Number: 9818

Committee Clerk Signature



Minutes:

Chairman Delzer opened the hearing on Senate Bill 2002. Roll was taken at a previous hearing.

Chief Justice Gerald VandeWalle presented his written testimony on the tab Opening.

Attached Testimony

SB 2002 Judicial Appropriation- Attachment 2002.2.26,.09A

Remarks.

Chairman Delzer: One thing I would like to mention and have you think about is we had HB 1306 which was the Attorney General's DUI bill with the 24/7. There was some concern mentioned by the committee about that being under the Attorney General. One thing at some point and time we would like to have a discussion. I think you have drug courts under your system now. Has there been any talk or any discussion how the 24/7 would fit or if it would fit?

Chief Justice Gerald VandeWalle: I had a discussion when he was starting the 24/7 program. He wanted to talk to the judges and I said fine go ahead you have to realize that this is going to be a discretionary matter with the judges. I am not going to tell them that they have to use the 24/7 program. We have never discussed bringing it under our umbrella if that was your

question. That was never an issue and we have never discussed it. In fact until you mentioned it I never even thought about it.

Chief Justice Gerald VandeWalle: The only discussion I have had with the Attorney General when he told me he was thinking of initiating the 24/7. He wanted to talk to the judges. I told him to go ahead and that this is going to be a discretionary matter with the judges. I am not going to tell them they had to use the 24/7 program. We have never discussed bringing it under our umbrella.

Sally Holewa: State Court Administrator, presented her testimony on the tab labeled Overview of Budget.

Chairman Delzer: They left the money for 4 of the FTEs that were removed by the Senate correct?

Sally Holewa: You are exactly right.

Sally Holewa: Continued her testimony.

Chairman Delzer: Is everything handled on paper?

Sally Holewa: Everything right now is handled on paper. Our new case management system will transfer everything to E-Filing so that they will be able to file electronic documents. The difference for the clerks is not that the volume will be reduced or that they won't have to work with them. Essentially what they do now they will still do but they will do it electronically.

Chairman Delzer: But it will still be done electronically right? You plan to have that case management done by the end of the upcoming biennium?

Sally Holewa: Yes. She continued her testimony with the Case Management System on page three.

Sally Holewa: Our turnback for the Family Mediation Program is going to be about \$650,000.

Chairman Delzer: What were you funded at last biennium?

Sally Holewa: I would guess just under 1.2 million.

Sally Holewa continued her testimony with the Drug Court on page five.

Justice Dale Sandstrom presented his testimony on the tab labeled Tech Activities and Enhancement.

Chairman Delzer: Do you have the contract cost?

Justice Dale Sandstrom: The contract its self is \$6.35million.

Chairman Delzer: How did you come up to the 7.3? Was it the 10%?

Sally Holewa: There is a 600 thousand dollar management reserve, 717 thousand dollar IT equipment and over 1.6 million for product software support.

Chairman Delzer: That does not come up to the 6.35 million.

Don Wolf, Director of Finance: I will add the difference in my budget.

Justice Dale Sandstrom: We do have a little bit of cushion in there to make sure we meet the needs for conversion of the current system. We do think we are in a better situation than most states as all our District Courts are on the same data system now.

Justice Sandstrom continued his testimony on page four.

Chairman Delzer: The program that you are trying to buy, will we own it or will they own it and we lease it?

Justice Dale Sandstrom: We will have licenses to use their product.

Chairman Delzer: What will the maintenance agreement be in future biennium's?

Justice Dale Sandstrom: There will be a ongoing maintenance fee in the future biennium's and the exact amount is \$270.000 per biennium.

Chairman Delzer: How many years are they going to service this? Is that part of your contract?

Justice Dale Sandstrom: This is their flag ship product. This is their main product and is the cutting edge product that is out there.

Sally Holewa: They committed the maintenance dollar amount for 6 years.

Don Wolf, Director of Finance: It is 270,000 per year so 540 for a biennium.

Representative Kempenich: Is it going to cost the counties to use the system?

Justice Dale Sandstrom: We are not going to be charging the counties they will be using the system, they pay for their own computers to this work. We think there is great value in getting all the criminal data in the computer system so if someone is arrested here today we could know if they were released yesterday.

Representative Kempenich: So everything is pretty compatible now so that shouldn't change for charge and they shouldn't accrue any charges.

Justice Dale Sandstrom: The fiber optic is very important from the state is very important to all the user and there are proposals to upgrade the fiber optic backbone. That is something we definitely would like to see because we are moving significant data over the fiber optic.

Representative Kempenich: That is what I was driving at is the system going to be able to handle the conversion.

Justice Dale Sandstrom: One of the reason we chose the counties we did is that Cass is the biggest county and the best connections. Trail County is one of our smallest rural counties and their connections are not as good.

Don Wolf, Director of Finance presented his written testimony under the tab labeled Detailed Budget.

Chairman Delzer: Are the two new judgeships funded in SB 2121?

Don Wolf, Director of Finance: Yes.

Don Wolf continued his testimony explaining the Operating Expenses.

Chairman Delzer: Your 7.17 for IT equipment over 5 thousand is that in the 7 million two?

Don Wolf, Director of Finance: Yes it is. It would be the 5 million plus the 7.17.

Chairman Delzer: Have you looked at the green sheets?

Don Wolf: Director of Finance: Is there a different number on the green sheets?

Chairman Delzer: No that number is there but there is also is also some IT equipment over 5 thousand .

Don Wolf: There is some additional IT over the original project.

Don Wolf: Wolf continued his testimony explaining the Management Reserve Fund.

Chairman Delzer: Back under the IT Rentals, is that something that you expect to be done when the project is completed or is it expecting to go on in future biennium's?

Don Wolf, Director of Finance: We will be continuing this is future biennium's. Part of it will be if additional workspace opens up here in the Capital. We are looking at this office space for the next biennium.

Chairman Delzer: How many people are you going to house down there?

Sally Holewa: Currently we have 11 IT staff, 3 other offices but we also intend to house the coordinators, so it would be around 18,19 to 20.

Chairman Delzer: So you have already rented it.

Sally Holewa: Yes.

Don Wolf continued his testimony with Juvenile Services.

Chairman Delzer: Were those Senate Bills at the request of the courts?

Chief Justice Gerald VandeWalle: The Juror bill was but the Parenting coordinating bill was by the Bar Association or the Interim Committee.

Don Wolf continued his testimony regarding capital assets.

Representative Kempenich: On this uses replacement when is that going to get started are you going to started this biennium?

Don Wolf, Director of Finance: We have already started on the projected. The company has already started on the project and are in the development process right now.

Representative Kempenich: Is that money you are requesting over what you have spend so far. Is it going to be over 5 million?

Don Wolf, Director of Finance: The total for the next biennium when you account for the extra outside equipment besides what Tyler Technology would account for the 1.3 million which is included in our budget for this biennium. So the total project cost would be close to 8.5 million dollars.

Chairman Delzer: On the amendment from the Senate it show a reduction of \$29,950 on the Judges retirement. Why is that different? Did they remove both of them?

Don Wolf, Director of Finance: One was the Supreme Court Justice and one was a District Court. If you add the two you will get the 48,000. They removed both of them.

Chairman Delzer: The Drug Court you said is no longer viable for federal grants?

Don Wolf, Director of Finance: No it is a juvenile underage drinking prevention grants and we were lucky to have the grant as long as we have. The purpose is to prevent minors from buying alcohol.

Chairman Delzer: The bill itself does the Judiciary normally have carry over authority?

Don Wolf, Director of Finance: No we don't have carry over authority.

Chairman Delzer: What about the transfer authority is that new?

Don Wolf, Director of Finance: That has always been there.

Representative Kempenich: Is there anything in the stimulus package for the courts?

Chairman Delzer: There may be something for IT.

Don Wolf, Director of Finance: The Chief has looked at it and we are going to explore certain options that we may have but nothing stands out that would apply to us.

Chief Justice Gerald VandeWalle: I got a report from the National Center for State Courts and they keep us informed. I think our best chance for accessing any funds from that is probably the junk grand and we may be able to apply for those grands. They cut funding for those grants considerably. We may be able to use the Burn Grand

Chairman Delzer: What are you using the Burn Grand for?

Chief Justice Gerald VandeWalle: We don't use them now they are for Drug Courts.

Chairman Delzer: What about the Justice Systems Grand that the Attorney General is talking about is that different than the Burn Grand? Are those increase considerably in the Stimulus package?

Justice Mary Muehlen Maring: I did not see anything about those in that particular news letter. I only saw that the Burn Grand will be increased.

We have in the past received in the Burn Grand in the upstart of our Drug Courts.

Chief Justice Gerald VandeWalle: I think we might as well address it now since you asked.

You mentioned the new Judges bill. I made a decision to make that a separate bill for 2 reasons. One is philosophical, is that the new judges should stand on their own and not be hidden a bill. The second one is that the status need to be updated since we cut the Judges from 57 to 42. The Senate bill there is also kind of legislative corrections which is what we already have done. On the Jury issue, we would have included it on our budget but the bill came out to late to do that. The interim bill that came out on Parenting Coordinators we were asked to provide a FN.

Chairman Delzer: Did you provide appear in favor or against on the Parenting bill.

Chief Justice Gerald VandeWalle: We did not appear on the Parenting bill, but did on the Juror bill.

Chairman Delzer: On the Jury bill what are they paid if they serve more than the initial day?

Chief Justice Gerald VandeWalle: It goes back to the regular rate of 25. What happens in some instances is that we are trying to cut down on jurors call, not only because of expense but frankly people are irritated if they are called many times and have to sit around.

Chairman Delzer: Do you have any kind of idea what cost to stay at \$50. For the ones that serve.

Chief Justice Gerald VandeWalle: I think that the appropriation is based on what our expected number. I am unsure as to how we did that.

Chairman Delzer: We would just have to double that appropriation. What is the number?

Don Wolf, Director of Finance: \$52,000.

Sally Holewa: I believe the Chief Justice misspoke. It is \$25 for the first day and \$50.00 for those who serve.

Representative Glassheim: I would like to address some of the issues about the personnel would that is being cut out by the Senate. Why did the Senate cut them?

Chief Justice Gerald VandeWalle: They are all needed positions. I have been around here for a long time and I can read the writing on the walls very well. We are pushing for the 3 child court position because they are hands on positions. We really need the others but if we don't get them we won't come to a halt. Family Court position is something that we have been funding through grand's. This would be an ideal program. The other positions are law clerks.

Representative Kempenich: Are those situated in the Supreme Courts or are they out in the counties.

Chief Justice Gerald VandeWalle: They are in the Counties.

Chairman Delzer: Do you have a priority on those three?

Chief Justice Gerald VandeWalle: Where ever the greatest need would be.

Chairman Delzer: Did the Senate ever mention any thing about why they took that out with getting the new syste.

Chief Justice Gerald VandeWalle: They asked the same question I asked to Sally when she came to me when preparing the budget. I too thought we only needed them as temp. Sally said, "No it is ongoing since you constantly have to keep this system upgraded and changes. I think the Senate looked at it the same way as I did and thought it would cut the need for the people but that is not the case.

Representative Meyer: On the federal stimulus, North Dakota is supposed to get \$5million in the JAG grants and the Burn Competitive grand there is \$225 million. I don't know what portion North Dakota is going to get. That is for use mentoring grand's and the criminal justice system.

Chief Justice Gerald VandeWalle: I think that is our biggest chance is through the Burn Grand.

Representative Meyer: Is that the same as the JAG?

Chairman Delzer: No that is a different Grand.

Chief Justice Gerald VandeWalle: State Courts do not always qualify. And if we are included they will not allow an application from the state it would have to be from a local court.

We are a unified system which makes it more difficult also.

Representative Berg: I would just like to thank every body

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/13/09

Recorder Job Number: 10938

Committee Clerk Signature 

Minutes:

Chairman Delzer opened the discussion on the judicial budget.

Representative Kempenich: The Senate pretty much took all of the requested FTEs out.

They had requested eleven FTEs and the Senate took them all out. The discussion centered on putting those three back in.

Chairman Delzer: I sat in on that one too. I think one of the concerns is how fast we are growing FTEs in the state government. They could contract for these positions. I don't know if we have to give them authority to contract for them or if they can go do it without authority. I know the discussion with Don Wolf this morning was that their turnback was roughly \$2million this last biennium. Becky, would we need to give them authority to contract these positions?

Becky Keller, Legislative Council: If they didn't have funding in their current budget. If you wanted to add funding for the contracting you would have to it.

Chairman Delzer: If we wanted to add funding for it we would have to add it in if we didn't want to add funding though would they have the authority to do it without any language or would we need to add language saying that we have no problem with them contracting for these positions if they can find the money in their existing budget.

Becky Keller, Legislative Council: I would think they would have the authority in their operating.

Chairman Delzer: Then the question becomes whether or not we want to add any money for it.

Representative Kaldor: I think we discussed this that day we thought and I don't recall the amount but the effect of the Senate amendment was probably, I think our discussion was that we didn't really need to put that much back in to allow them to contract for services but that they would need something.

Representative Kempenich: I think they gave them the authority in the Senate amendments.

Chairman Delzer: That was for IT. The ones that we are talking about on the green sheet are the three deputy clerk positions number three in the Senate amendments. It is on page 86 of the green sheet. I know we talked about that issue but that day I don't think we had any discussion about the turnback level.

Representative Kaldor: No we didn't.

Representative Meyer: Was there discussion on the expense of the contractors and why it was so high compared to hiring an FTE?

Chairman Delzer: I don't know that we had a discussion like that on the Judicial here. I don't think that is really the case on the Judicial it is more on the IT stuff where contractors are considerably higher.

Representative Kaldor: I did discuss that a little bit with Chief Justice VandeWalle and what they do is contract with counties that have a lower case load burdens. That is who they go to. The concept was that maybe they can do some contracting with counties that don't have a full load of work.

Chairman Delzer: I don't have particularly strong feelings one way or another about that. I don't know what the operating I don't believe was reduced a whole lot on this. Most everything that the Senate reduced was actually increases to the budget. If they did have \$2million in turnback I don't know whether we really have to add anything and if we don't need to add any language I don't know whether we need to worry about that either.

Representative Glassheim: These are for clerk positions?

Chairman Delzer: One was in Bismarck, one in Williston and one in Cass County.

Representative Glassheim: If you need them why would you make these regular positions and not contract them.

Chairman Delzer: You can make that argument but personally no I think you are better off with contracting then when things change in the future where they don't need them it is not a case of having an FTE that you have to deal with.

Representative Kaldor: I think it would probably cost more to contract in the biennium but the question that we had for the Chief Justice when we were discussing this was whether or not we absolutely knew this was needed beyond this next biennium. There was a little bit of uncertainty in the discussion on this. So when we talked about contracting to see if it was necessary while he would rather have the FTEs he was not totally opposed to that. If we gave him the funding and flexibility to do so that was something they could live with. I think you are right that the initial cost would be greater contracting as opposed to FTEs. It was the continuation of that that was the concern.

Representative Kempenich: That is the thing. He probably wouldn't hire them if they don't need them. From what they were looking at they figured they would need two for sure and then the third one was a pretty definite yes too but they might not get hired until the second half. But that is what he wanted, flexibility.

Chairman Delzer: I don't think the contracting would be higher. This is not high level people that we are talking about. This is people that are at the counter that deal with the people initially. It is clerks. I think contracting you would save the benefits that way and you could see whether or not you can get by without them.

Representative Kempenich: These are state people. They are not county employed people at these offices.

Chairman Delzer: We should decide what we want for amendments. Do we want to put some money back in or do we think that they have money in the budget?

Representative Kempenich: When you read the green sheets, it does not look like they took any money out for the positions.

Chairman Delzer: They took new positions out.

Representative Kempenich: They took the FTEs out but it doesn't look like they took any money out.

Chairman Delzer: Number one they left \$473,000 for the tech coordinators. Number three they removed the \$303,510. We certainly would not need to give them that much.

Representative Berg: This budget is a 25% increase over last biennium. I certainly want to make sure they have adequate funding but I guess I would defer to the subcommittee. Were they really concerned or not concerned or where were they at?

Representative Kempenich: Also their increases include salaries and wages although their operating expenses are up \$5.6million. Then if we removed a bunch of these FTE positions you have ratcheted that down somewhat on the operating but they are putting in a new system too. They have \$7.2million for a new computer system too.

Chairman Delzer: Let's go through the rest of the green sheet. The Senate removed number two.

Representative Kaldor: It is pretty important to note too that there is a onetime expenditure that accounts for a significant portion of that increase. In our discussion and the more we talk about it the more I remember but the Chief Justice was pretty, I think he is trying to be pretty straight with us. I think he explained that he did not want to; his intention was not to inflate anything. This is based on what they are really experiencing. They are experiencing case load increases. One of the things as we relate back to these clerks of court, those FTEs, he explained that they are getting more and more off the street questions. He said people are even coming to the Clerk of the Supreme Court and asking questions and basically causing them to have to do investigation or work to respond to those questions. He said that has increased significantly. In the Judicial Districts too, they are experiencing the same thing. He describes the new FTEs as "counter people" or the people who are meeting the public. That is one of the reasons that they asked for this. I think he is trying to be pretty conservative in all other respects.

Representative Berg: What is the bottom line? Obviously they wanted eleven and the Senate took them all out. That is a pretty dramatic shift.

Chairman Delzer: The Senate did allow the contracting of the four. These three are out but they have authority from what we have been told to hire people here in a contract position if they need it. The question to us is whether or not we want to add some more money for them to do that.

Representative Berg: Your argument is that they has \$2million in turnback so they probably have money in the budget if they need to contract it out.

Chairman Delzer: That is the question. I don't necessarily disagree. We can give them \$200,000 and that would give them the backing to do it.

Representative Kaldor: I think that was kind of the bottom line. Of all of the things that we talked about were those positions one way or another if we could fund that. I think a lot of the turnback relates to the IT project that they did not do.

Chairman Delzer: I was trying to go through here but I don't see that.

Representative Berg: Before we get sidetracked on the IT project. So what is your recommendation Representative Kaldor, on the FTEs.

Representative Kaldor: I would like to see us fund at minimum \$200,000 of the \$303,000. That is what I gather to be the most pressing need. That would be for the three clerk positions.

Becky Keller, Legislative Council: Is this just funding and no FTEs added back?

Chairman Delzer: Yes. The salaries and wages lines I guess no it would have to go in the operating. They did increase temporary salaries too but I don't think we want them as temporary we want them hired as contract if they are going to do them. What about the IT?

Representative Kempenich: There again it is onetime money. It is for the Unified Court System program. That was one of the arguments about hiring about these three clerks is that if this project got off the ground then there should be some efficiencies or speed where you might not need the people.

Chairman Delzer: When we look at this, this is part of the problem when we look at the ongoing projects or the infrastructure projects or anything like that. When we look at these on their own they all sound pretty good. When we get the list on how many IT projects that we are doing and how much money we are spending in this biennium on IT project, it is pretty scary. It is total funds of \$104,228,117. That is just new projects. \$58million of that is General Fund. Do I have a problem with this one? No.

Representative Kaldor: I do remember this discussion in subcommittee. He highlighted some things. They probably are the model for implementing an IT system in terms of the due

diligence they did before they set to do this. They actually got recognized for the work they did in due diligence to make sure that they didn't spend unnecessarily. Of all of the agencies they probably executed better than any.

Representative Kempenich: They are not an agency they are a branch of government.

Chairman Delzer: That is one of the differences. Becky, they don't have to go through the SITAC situation or anything that way do they?

Becky Keller, Legislative Council: I do not know.

Chairman Delzer: I know they discuss with IT but I don't know if they went through the SITAC positioning.

Representative Kempenich: I don't think they do.

Representative Kaldor: They did report on a regular basis to SITAC. SITAC actually commented on them as having the most comprehensive due diligence they had ever seen in the IT project.

Chairman Delzer: Where are you seeing this?

Representative Kaldor: This was from the testimony provided on page two at the bottom of the page. They did talk about the contract price being less than what was asked for in the appropriation.

Representative Kempenich: The revised price they have here is \$6.35million.

Chairman Delzer: Does putting the \$7.2million n there cause them problems.

Representative Kempenich: I think they have it running.

Representative Kaldor: That was a maximum authorization.

Chairman Delzer: Why don't we take ten minutes and call over there and ask Don to come over.

Chairman Delzer called the committee back to order. Mr. Wolf from the Judicial Branch was unable to attend. Discussion continued.

Representative Kempenich: Most of it on the other side was the salary for the district court.

Chairman Delzer: If you look on the green sheets here, 10-15 there are quite a few increases for services there. Again as it has been said I don't know that we messed with their budget a whole lot.

Representative Kempenich: Well what they are doing like in 13 and I mentioned that earlier, the smaller counties they contract for the clerks with the county.

Chairman Delzer: Is there any equity money in this budget?

Representative Kempenich: I don't think they did.

Representative Kaldor: I think the Chief Justice said no.

Representative Kempenich: That is correct. I think they got a pretty good bump last time.

Chairman Delzer closed the discussion.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/18/09

Recorder Job Number: 11220

Committee Clerk Signature *Tonya Vaughn*

Minutes:

Chairman Delzer opened the discussion on Senate Bill 2002.

Chairman Delzer: Roxanne, have we asked for any amendments for 2002?

Roxanne Woeste, Legislative Council: I spoke with Becky before I came down here. This is her budget but is unable to attend today. She did mention that she has drafted some amendments so perhaps those are it.

Chairman Delzer: I have them here. This one says adds funding to allow district courts to contract for deputy clerk of court services. That is \$200,000. The amendment adds two FTE judge positions and two FTE court reporter positions for new judgeships provided in Senate Bill 2121. Is there anything else anybody wants? If there isn't we will just keep these and when we are ready we will vote on them.

Representative Meyer: I guess I just don't understand how you would handle it like if 2042 would happen to pass does that have to be an amendment for their budget? It originally was General Funded.

Chairman Delzer: That was put in by the Senate.

Representative Meyer: OK I didn't see it.

Chairman Delzer: There is an amendment fully drafted on that to take that out if needed. Do we have an amendment for 2042?

Chairman Delzer read the amendments for 2042 and 2121 to the committee. Both amendments deal with the budget for the Judicial Branch.

Chairman Delzer: 0104 is pretty much the one that I would prefer but what are the committee member's wishes on 0103 and 0104.

Representative Kaldor: You asked me if I would check with our caucus. We have not talked as a full caucus but I did talk to our leader about this one. As it happened when I visited with him there were a few other caucus members there too. They didn't seem to have any problem with your proposal. We can bring this up tonight.

Chairman Delzer: You can if you want. I don't think that it is a big problem. If those members didn't I can't imagine the rest of the caucus will.

Representative Kaldor: I don't think so either.

Chairman Delzer: The fact of the matter is we have had it in code and they have not been following it for a long time. I don't see why we should put them in a position of not following what the code says. Committee members, I would just as soon move on these two bills.

Representative Kaldor: I will move amendment 0104.

Representative Glassheim: Second.

Chairman Delzer: Any discussion?

Vice Chairman Thoreson: It came up in discussion the other day about Cass County with room. Being from Cass County I know there has been discussion about adding space onto our courthouse where the former jail stood. This is an aside. I am not certain that we need to do

that. There is room available. Not just in that building. My wife works in the Cass County Annex Building directly across the street. Last time I check most of one of the floors in that building was completely empty. It has kind of been a turf battle over who controls that so I think if there was some re-shifting of space between people. The other part of it is there are certain people who are in the courthouse that don't want to move across to that building. It has kind of become a turf thing. I have always thought it would be best to have Cass County say that they shall move over to that area and free up some space in the courthouse.

Chairman Delzer: I think the fact of the matter is that the Supreme Court is not going to put a judge in there until it is all resolved.

A motion was made by Representative Kaldor, seconded by Representative Glassheim to adopt amendment 98078.0104 to Senate Bill 2121. Motion carried on voice vote.

Chairman Delzer: Committee members what are your wishes on the bill?

A motion was made by Representative Kaldor, seconded by Vice Chairman Thoreson for a Do Pass, As Amended recommendation to the House Appropriations Full Committee. Motion carried by a vote of 6-0-2. Representative Kaldor will carry the bill.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/24/09

Recorder Job Number: 11486

Committee Clerk Signature *Tonya Voegeli*

Minutes:

Chairman Delzer called the committee to order. Roll was taken.

Chairman Delzer: We are going to start with Senate Bill 2002. I think what we have is one set of amendments 0203. I think what we had asked for as a group was basically the one set of amendments that made parenting coordinator training a onetime expenditure and then added \$200,000 for contracting instead of the three FTEs that the Senate had pulled out. Are there any other amendments that anybody is aware of? It looks like we also added the FTEs for the two judgeships and the clerks for those. Those two FTEs showed up from SB2121. Roxanne, are the Supreme Court FTEs considered in the current number of state employees?

Roxanne Woeste, Legislative Council: Yes.

Representative Glassheim: The parent coordinator position?

Chairman Delzer: The parent coordinating committee is Senate Bill 2042. The funding is in the Judicial Branch. What we are doing on this amendment is referencing that as a onetime expenditure because we added the language that said it is supposed to be self sustaining.

Representative Kempenich: INAUDIBLE

Chairman Delzer: If we are going to make some travel adjustments that is entirely up to you. I don't know how much travel was in the judicial budget.

Representative Kempenich: \$125,000.

Chairman Delzer: That is what it was increased? That is certainly up to the committee members if we want to change anything.

Representative Kempenich: Looking at their budget, one of the things that they took on and they discussed it in testimony too was that they wound up leasing a building off campus.

Chairman Delzer: We have 0203 in front of us if somebody wants to move that.

Representative Kempenich: I will move that.

Representative Kaldor: Second.

Chairman Delzer: We have a motion and a second for 0203 to Senate Bill 2002. Is there any discussion?

A motion was made by Representative Kempenich seconded by Representative Kaldor to adopt amendment 98181.0203 to Senate Bill 2002. Amendment was adopted by voice vote.

Chairman Delzer: Is there any other amendments to be moved at this time?

Representative Kempenich: Most of their operating, it is not a big increase. I question the whole thing on this travel and I did get some more information but I didn't bring it down here. General Fund travel is up 15%. The increase is about \$3.3million General Fund and \$10.6million total. The Supreme Court is up \$125,000 on the travel side. That doesn't necessarily all mean fuel.

Chairman Delzer: The question that I would have is if it was mileage type travel do you suppose they would use their own vehicles or do you suppose they would use State Fleets?

Representative Kempenich: If they are paying for the districts and stuff most of those are their own vehicles.

Chairman Delzer: Anything further on 2002?

Representative Berg: The only think I have a question on is that I have a note here about Burn grants and they would be increased in the stimulus package. I was just wondering if we need to address that.

Chairman Delzer: I would guess there is Burn grant money in here if they still had some for like the drug court or is that all General Fund money now?

Roxanne Woeste, Legislative Council: Last time I had received some information regarding the Burn grants relating to the stimulus dollars they were going to be provided to the Attorney General and at that time the Judicial Branch did not expect any additional funding.

Chairman Delzer: None what so ever?

Roxanne Woeste, Legislative Council: I believe so.

Representative Berg: It says here in the stimulus summary that there is \$3.1million in Burn grants.

Chairman Delzer: Does it split out where that is supposed to go?

Representative Berg: It does. It talks about two forensic scientist positions, one grants officer position, weren't those things that we adjusted?

Chairman Delzer: Yes.

Representative Berg: DNA laboratory robot workstation, finger print and then a pass through and that still leaves them \$1.5million.

Chairman Delzer: And that is all listed for the Attorney General's?

Representative Berg: Yes. It is under 1003. We have internet crimes against children taskforce \$400,000

Chairman Delzer: That would be in 1003 too.

Representative Berg: I think so. Community orientated policing service, cops \$1.2, rural law enforcement.

Roxanne Woeste, Legislative Council: Becky Keller just notified me that in their survey when we did survey the agencies regarding the federal stimulus dollars they indicated that they do not anticipate receiving any.

Chairman Delzer: Did we get an answer on where the federal funding comes from that is in the Judicial Branch.

Tammy Dolan, OMB: I can look it up but I don't know it off of the top of my head.

Chairman Delzer: Anything further on 2002? If not I would think that we could take a motion on that bill.

Representative Berg: Would it be ok if we just got all of the amendments on and just wait until we got everyone here. Just in case Representative Thoreson and Representative Dosch has an amendment that they wanted to do.

Chairman Delzer: That is a good idea.

NEW RECORDER 11487

Tammy Dolan, OMB: I have an answer regarding the federal funding. That federal funding in the executive recommendation for the Judicial Branch came from child support stop grant, NEC family court pilot that was a small amount of \$6600. Court improvement training funds

and another court improvement project 2007. I am guessing that was some sort of carryover from a prior project.

Representative Berg: I guess my question is don't they need spending authority to spend that money?

Chairman Delzer: It is in the budget.

Representative Berg: That was federal funds not stimulus money. I got it.

Chairman Delzer closed the discussion.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 4/1/09

Recorder Job Number: 11628

Committee Clerk Signature *Tonya Voegle*

Minutes:

Chairman Delzer opened the discussion on Senate Bill 2002.

Chairman Delzer: From what my notes say we have adopted 0203 to the Judicial Branch and the bill sits before us as amended. What the amendment that we adopted does is we put in \$200,000 for contracting and then I think we changed the FTE count by four to recognize what happened in 2121. Any comments or further amendments if not we have the bill before us. What are your wishes?

Representative Kempenich: It is higher than it was last biennium but I will move a Do Pass, As Amended.

Representative Berg: Second.

Chairman Delzer: We have a motion and a second. I believe when you look at it the 5 and 5 was in there. There was no equity raises. Then there were some positions and some IT money.

Representative Kempenich: They came in last biennium to start the IT project and now they are going forward with it.

Chairman Delzer: The operating is up by \$7million but most of it was IT if I am not mistaken.

Salaries were up \$6million. That is a lot.

Representative Kempenich: \$4.2million plus \$3million they have their UCIS tech project of \$7,258,129 then it has the management reserve fund of \$600,000. That's one thing that we will have to look at is all of these tech projects they have those reserve funds on it but a person should always set them outside of that when they are appropriated like that because they put it into their baseline budget the next time.

Chairman Delzer: Do you know how much they carried forward from the IT project last time?

Representative Kempenich: They turned back \$1.2million.

Chairman Delzer: They turned it back and then asked for it to be re-appropriated. That is part of the \$7.2million.

Representative Kempenich: Yes.

Chairman Delzer: Any further discussion on Senate Bill 2002? One thing we do need to recognize is this budget is \$875,000 higher than this one says because of 2121.

A motion was made by Representative Kempenich, seconded by Representative Berg for a Do Pass, As Amended recommendation to the House Appropriations Full Committee for Senate Bill 2002. Motion carried by a vote of 7-0-1. Representative Kempenich will carry the bill.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2002

House Appropriations Committee

Check here for Conference Committee

Hearing Date: 04/03/09

Recorder Job Number: 11715

Committee Clerk Signature

Jeanette Cook

Minutes:

Rep. Kempenich distributed and explained amendment .0203 (Attachment A).

Rep. Kempenich moved amendment .0203.

Rep. Thoreson seconded the amendment.

Rep. Kerzman: Is it two judges and two clerks?

Rep. Kempenich: Yes, a total of four.

A voice vote was taken on amendment .0203.

The motion passed, and the amendment adopted.

Rep. Kempenich explained the bill. (2:50) In the bill the Senate removed the FTE's that they were asking for. They did put in a parent/coordinator training position. It is a program that the Supreme Court dealing with divorces. The increases in the budget come from a computer system that they are putting in for \$7.25 million and \$600,000 for management fees which is a total of \$8 million of one-time money. It was our feeling that if they get this system in place it should speed up the process. We would like the system to be in place and see where they are at before we start adding more FTEs. Most of the people they are asking for are in the district courts.

Rep. Kempenich moved a Do Pas as amended on SB 2002.

Rep. Delzer seconded the motion.

Rep. Wald: (4:44) What is the \$792,000 for mediation?

Rep. Kempenich: In the districts, they are mediating divorce cases, drug court issues, etc. They are getting more involved in out of court type issues. They are doing more mediation rather than go through a full blown trial.

Chm. Svedjan: Is there anything you want to say about the salary adjustments? (6:05)

Rep. Kempenich: With adding the new judges, it's a 5 and 5. We left that alone. There was no equity money involved with them.

Chm. Svedjan: Were there any instances where stimulus money could be used?

Rep. Kempenich: There was no place they could identify

Rep. Kerzman: (7:00) Is this where the two judges are going to go?

Rep. Kempenich: There are two positions, one at Jamestown and one at Minot.

Rep. Kerzman: So, the money in 2121 is for the positions?

Rep. Kempenich: There wasn't any money in 2121 for the clerk positions, and that is what we added.

Rep. Delzer: (8:07) The money for the judges and the clerks is in 2121. The \$200,000 that we are adding here is for contracting for some of the ones that the Senate removed for the other district courts. The FTEs were not in 2121, and we needed to add them here. When this budget comes to us next time, the \$875,000 that is 2121 will be in this budget.

Rep. Bellew: What is a management reserve fund?

Rep. Kempenich: It's for their computer system. It is a fund that is there in reserve for overruns.

A roll call vote was taken on SB 2002 as amended. **Aye 24 Nay 0 Absent 1**

The motion carried.

Rep. Kempenich will carry the bill.

March 16, 2009

VR
4/3/09
1083

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 24, replace "7,216,641" with "7,416,641" and replace "20,361,322" with "20,561,322"

Page 2, line 6, replace "14,730,701" with "14,930,701" and replace "72,219,157" with "72,419,157"

Page 2, line 8, replace "14,900,831" with "15,100,831" and replace "70,488,696" with "70,688,696"

Page 2, line 22, replace "16,069,793" with "16,269,793" and replace "81,514,921" with "81,714,921"

Page 2, line 24, replace "15,914,960" with "16,114,960" and replace "83,559,728" with "83,759,728"

Page 2, line 25, replace "0" with "4.00" and replace "338.0" with "342.0"

Page 4, after line 1, insert:

"Parenting coordinator training	0	52,040"
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Page 4, line 6, replace "8,255,341" with "8,307,381"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98181.0203 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Supreme Court				
Total all funds	\$10,720,148	\$10,526,942	\$0	\$10,526,942
Less estimated income	0	0	0	0
General fund	\$10,720,148	\$10,526,942	\$0	\$10,526,942
District Courts				
Total all funds	\$72,873,576	\$72,219,157	\$200,000	\$72,419,157
Less estimated income	1,730,461	1,730,461	0	1,730,461
General fund	\$71,143,115	\$70,488,696	\$200,000	\$70,688,696
Judicial Conduct Commission				
Total all funds	\$813,629	\$813,629	\$0	\$813,629
Less estimated income	314,346	314,346	0	314,346
General fund	\$499,283	\$499,283	\$0	\$499,283
Bill total				
Total all funds	\$84,407,353	\$83,559,728	\$200,000	\$83,759,728
Less estimated income	2,044,807	2,044,807	0	2,044,807
General fund	\$82,362,546	\$81,514,921	\$200,000	\$81,714,921

Senate Bill No. 2002 - District Courts - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$48,839,670	\$48,130,161		\$48,130,161
Operating expenses	20,276,282	20,361,322	200,000	20,561,322
Capital assets	2,301,933	2,301,933		2,301,933
Judges' retirement	563,655	533,705		533,705
UND Central Legal Research	80,000	80,000		80,000
Alternative dispute resolution	20,000	20,000		20,000
Mediation	792,036	792,036		792,036
Total all funds	\$72,873,576	\$72,219,157	\$200,000	\$72,419,157
Less estimated income	1,730,461	1,730,461	0	1,730,461
General fund	\$71,143,115	\$70,488,696	\$200,000	\$70,688,696
FTE	299.00	289.00	4.00	293.00

Department No. 182 - District Courts - Detail of House Changes

	Contract Services ¹	New Judgeships ²	Total House Changes
Salaries and wages			
Operating expenses	200,000		200,000
Capital assets			
Judges' retirement			
UND Central Legal Research			
Alternative dispute resolution			
Mediation			
Total all funds	\$200,000	\$0	\$200,000
Less estimated income	0	0	0
General fund	\$200,000	\$0	\$200,000
FTE	0.00	4.00	4.00

¹ This amendment adds funding to allow district courts to contract for deputy clerk of court services.

² This amendment adds 2 FTE judge positions and 2 FTE court reporter positions for two new judgeships provided for in 2009 Senate Bill No. 2121.

This amendment adds funding for parent coordinator training to the one-time funding section in the bill.

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2002**

House House Appropriations- Government Operations Committee

Check here for Conference Committee

Legislative Council Amendment Number 98181.0203

Action Taken DO PASS AS AMENDED

Voice Vote Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Representative Berg:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Glassheim	X	
Vice Chairman Thoreson	X		Representative Meyer	X	
Representative Kempenich	X		Representative Kaldor		
Representative Berg	X				
Representative Dosch	X				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Representative Kempenich:

If the vote is on an amendment, briefly indicate intent:

Date: 4/3/09
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2002

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number . 0203

Action Taken adopt amendment . 0203

Motion Made By Kempenich Seconded By Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote - carries

If the vote is on an amendment, briefly indicate intent:

Date: 4/3/09
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2002

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0203

Action Taken No Pass as Amended by .0203

Motion Made By Kempnich Seconded By Delzer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempnich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams		
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 24 No 0

Absent 1

Floor Assignment Kempnich

If the vote is on an amendment, briefly indicate intent:

2009 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

2002

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2002 Conference Committee

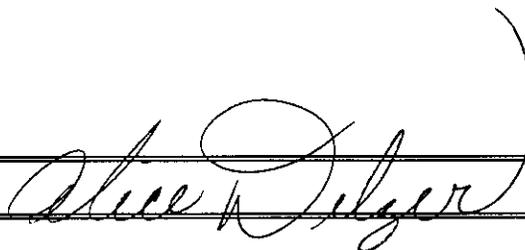
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-21-09

Recorder Job Number: 12079

Committee Clerk Signature



Minutes:

Chairman Christmann Opened the conference committee meeting at 6:00 pm in reference to SB 2002. All members were present. They are as follows: Senators Christmann, Kilzer Warner; Representatives: Kempenich, Berg and Kaldor. Becky Keller, Legislative Council and Sandy Deis, OMB were present.

Chairman Christmann asked the House to explain the differences which were relatively minor.

Rep. Kempenich The biggest thing we did was to add two clerks to the budget. Number 1 adds a little more funding, the Senate did put in contractual funding for district courts on deputy clerks. We felt with the new computer system we could see more efficiency so we didn't add back any of those others, we just put some money in for contractual services. Number 2, we added the judgeships, the bill was 2121, this amendment added the language in the budget here, but the mechanism is in 2121. We didn't mess with any of that. All we did was put the language in this.

Chairman Christmann When we sent them over, we authorized the two judgeships in 2121. Apparently the money is in here but did we just neglect to add them on the FTE line?

Rep. Kempenich What got put in here were just the FTE positions, the money is not in this budget. It was in 2121.

judges and two recorders that needed to be accounted for in 2002's budget. We thought it was cleaner to put them in here.

Chairman Christmann What would have happened if the House would have passed the bill the way we had passed it? Also 2121.

Keller I'm not sure.

Rep. Kaldor There is a 3rd one that is needed but there is no chamber in the Cass County area. It is shown to be needed by the statistical data but there is no chamber for that judge. It is not included in 2121. I don't know if that is in a conference committee. We did change the language in that bill making adjustments.

Becky Keller They said 2121 is done.

Chairman Christmann Tell me about what that amendment did.

Rep. Kaldor It said that if there is a major change in the workload between districts, a district has the latitude to move the work around.

Rep. Kempenich Spoke about some of the history on this issue... We gave them the flexibility to move them where they see fit.

Chairman Christmann Can you talk about the reporter positions?

Rep. Kempenich The court reporters are funded in 2121 as well. We didn't get into too much detail, the money was there. These would stay with the judge's chambers.

Chairman Christmann Is that your intent?

Rep. Kempenich I think it was. Becky on number 3 on the senate, did we add back those three deputy clerk positions. We did do the contractual positions... (inaudible conversation between Becky Keller and Rep. Kempenich.) The two FTE judges and court reporters were funded out of 2121 so we did not do anything with that other than this language change. The other two deputy clerks of court were basically set up as contractual. The court came in and

wanted to restore those positions back from what the senate took out. We didn't do that. We went and just funded these as contractual so the district courts will have to contract with the county.

Chairman Christmann We are adding 6 people, the 2 reporters, 2 judges, and 2 clerks who are contractual.

Senator Warner Those would be full time without benefits?

Rep. Kempenich Depends on the contract. We just looked at what the FTEs will cost over the biennium, we didn't set up any benefits. The benefits are with whoever they contract with for the job.

Senator Warner I do recall some discussion relative to the computer roll out, the implementation package requires some software to be added for two weeks during which they will be offline.

Rep. Kempenich They have flexibility; it doesn't have to be two. We didn't specify numbers per say. We are not adding any state FTE's.

Senator Kilzer I noticed that one of your amendments was for \$200,000 to allow district courts to contract for deputy clerk services. Is this something we overlooked on the senate side or was it not requested? Does this fit in pervious biennium?

Rep. Kempenich What the senate did was the bill came in originally looking for 4 technology coordinators, 1 court recorder, 3 deputy clerks and 2 law clerks with a total of 7 over and above the judges. We didn't do any of that. That is what came from the Senate side. The chief judge wanted these positions back. We didn't want to add FTEs so we came back with the contractual part.

Chairman Christmann They were recommended by the governor?

Rep. Kempenich That is where we did this contractual. We funded two; however they want to use them. But the intent was to fund two positions on a contractual basis.

Chairman Christmann What was the main reasons for the contract position rather than add FTEs?

Rep. Kempenich We thought the new computer system would make things more efficient as far as filing and tracking is concerned. We hear about this technology all the time but you never see a reduction of people. They needed someone at the front desk, which was a good argument. If we are going to spend it on the tech, we will see if it will be more efficient.

Chairman Christmann What do court reporters do when they are not in court?

Rep. Kempenich I am guessing they are transcribing the minutes onto a better format. It is like any transcription, verbatim, for the record. I am guessing it is a fulltime job.

Rep. Berg There is one huge outstanding issue that we need to look at we need a 3rd judge and a chamber in Cass County. With \$10-15M we could probably address both of these issues. I don't have an amendment or anything.

Chairman Christmann Think about making your case.

Rep. Kempenich Do you want a motion?

Chairman Christmann No, not unless it is to recede from your amendments.

Rep. Kempenich 2121 is already out the door.

Chairman Christmann Regarding the reporters, the info you provided to us is certainly useful.

Rep Kaldor Just a point on the department clerk positions we funded through the contracting, the case was made to our committee that is really important positions. They are meeting the public, we were compelled by their argument, we probably didn't agree whether they should be FTEs or contracted but the issue is important.

Rep. Kempenich It is up to the district courts. If they find something cheaper, they can probably do 2 or 3.

Chairman Christmann We shall meet again. Thank you we are adjourned.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2002 conference committee

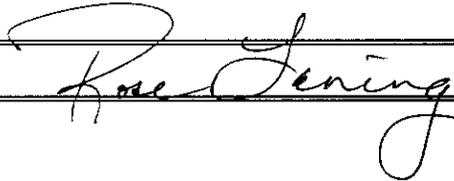
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 23, 2009

Recorder Job Number: 12170

Committee Clerk Signature



Minutes:

Senator Christmann: Called the conference committee hearing to order on SB 2002 which relates to the salaries of supreme and district court judges. Let the minutes reflect all members are present: **Senators: Christmann, Kilzer, and Warner** and **Representatives: Kempenich, Berg, and Kaldor.**

Senator Christmann: Caught up in adding the second of two court recorder positions and neglected parenting coordinator training.

Representative Kempenich: This Parenting Coordinator training started working with divorces. It's training for people in place, but brings in someone to educate on divorce cases.

Senator Christmann: I remember discussing the Parenting Coordinator program, would you explain that to us?

Sally Holewa: State Court Administrator, The program is recommended by interim committee. What the program does is sets up a Parenting Coordinator Program. These are people who are trained to mediate and work out differences between already divorced parties who have issues with children and custody visits. The funding for that is primarily to recoup and educate those people.

Senator Christmann: Where is the Parenting Coordinating Program in the budget?

Sally Holewa: I would assume it's in operating costs. It actually came out of SB 2042, which was the Family Bill.

Senator Christmann: Isn't this just a regional thing?

Sally Holewa: This would be a statewide program, a brand new one. It was part of the proposed changes that came from the interim committee.

Senator Christmann: Who would get trained and who does the training?

Sally Holewa: We don't know who would get trained; and for the training instructor, we would use our Mediation Coordinator at the Supreme Court to set that up.

Senator Christmann: Who are the experts to train people?

Sally Holewa: There are no experts in North Dakota, so what we would essentially do is locate experts from other programs to come in and do that training.

Senator Christmann: Do you have a particular one or two in mind?

Sally Holewa: I don't, however if my Mediation Coordinator was here, she would because she has done extensive research regarding programs in California, Maine, New Hampshire, and most recently in New York.

Senator Christmann: Who has trained the judges to do this?

Representative Kempenich: You find volunteers at churches and stuff like that.

Senator Warner: My recollection is that only training and recruitment costs are done as a fee for service thing, and anything else is done with parents.

Sally Holewa: It's not the model we had in mind. The fee is paid by the parents. The courts would assess you a cost and you'd pay a coordinator upfront and are not fees to fund the coordinator and training in future.

Senator Christmann: This is the \$52,040 amendment and how did you arrive at that?

Sally Holewa: That's the amendment put in by the Senate.

Becky Keller: Legislative Council, the Senate added the \$52,000; The House was one time funding the amount was on fiscal note.

Senator Christmann: I don't know that there is any objection for a one-time funding. That seems reasonable.

Representative Kempenich: They are looking at outside people coming in and do in state education. It sounded like it was volunteers who were going to come and manage this project.

Representative Berg: The goal here is to reduce the amount of litigation time so the savings wouldn't necessarily be pinpointed, but one of those things where if you could get resolution, then it won't continue on.

Senator Christmann: I wasn't enamored with the two judges. I see amendment that was handed out by Rep. Wieland – see attached # 1.

Representative Kempenich: It was brought on by the House side and we defeated it for \$5M. Rep. Wieland asked that I bring amendment forward to talk about. They got email from Cass County and they wanted it brought forward and discussed because this won't cover the initial costs.

Representative Berg: What's changed from then is the federal stimulus money of \$650M. It's not general fund – only stimulus money.

Senator Warner: All of our court room space when there was consolidation. It's an argument whether it should be county expense. It's a growing community and costs of housing that judgeship should be handled as though it were the same as all the other judgeships in the state, which have been assumed at the county level.

Representative Kaldor: This was discussed in our committee and one of the problems with this has to do with the fact that we put the burden on the counties when we made the change. The feeling amongst some of us is that this is an extraordinary cost for Cass County to bear.

When we don't provide them with quarters, we're creating a real problem for them. If you look at the study of judgeships needed— they are way over utilized and inefficient. They don't have chambers.

Representative Berg: In addition, we have unusual circumstance with federal stimulus. If we allow money to be used for that, they have to figure out balance of cost. It will be a benefit for the state to not spend \$15M 2 or 4 years from now.

Senator Kilzer: The stimulus money needs to be spent early on and a plan in place. What is the plan for the remainder of the funding for this project?

Representative Berg: They have this moved fairly well forward. I don't know what the plan is, but I am assuming if there is \$3M short of what they asked for at the beginning of the Session, again, I would assume that that would come locally – through property tax or something else. Again this was not out of the blue; this was in the Chief Justice speech to legislature, it was in last biennium, and long as we have a population that continues to grow, it's not an issue that is going to go away.

Senator Warner: Is this part of the discretionary money housed in the Governor's office? We were looking at funding projects.

Sandy Deis: Fiscal Analyst with OMB, \$1.5 proposed for AG. Less than \$500,000 left.

Senator Christmann: Number of proposals to get in on that action.

Representative Kaldor: I am assuming that none of those are really settled? They are all still in committee?

Sandy Deis: Correct.

Senator Warner: I think they will be added to that list as soon as the motion is made in committee, is that correct?

Sandy Deis: Correct.

Senator Christmann: And I was worried we'd never be able to get it spent. (Laughter roared)

Representative Berg: This amendment doesn't say if it's not available it would be part of general fund money.

Senator Warner: There is no distinction between

Representative Berg: It is an issue of distinction, we have added 2 judges because we feel there is a shortage of judges. We didn't add the 3rd because there is no housing for the 3rd. It's a legitimate issue. This is just my perspective regarding the longer term; with stimulus money if we can do some one-time things that are going to require general fund money in the future if we don't, I think that would be a wise investment of the stimulus money. If there is request for \$15M to do the same thing 2 or 4 years from now, that will compete with all the other dollars that are out there.

Senator Christmann: Wrap up. I don't know how close we are. We did the two judges because we felt we needed more judges. From my perspective, we are doing the 2 more judges because I lost the vote. (Laughter again) Was the House real strong on adding the 2 reporters? Couldn't they be shared? As long as doing judges, do they need reporters?

Representative Kaldor: There are physical limitations regarding the sitting of a judge. That was a necessary ingredient. I know we deliberated on it and the clear message from those sessions was it is not something you can share. You need the person in the chamber.

Senator Kilzer: I supported the adding of the 2 judges, not the 3rd. With regards to the court reporters, I think the Chief Justice made the case for the need.

Senator Warner: 2 judges without court reporter are like 2 surgeons without hiring anesthesiologists. They work in tandem; it is simply not efficient to share that person.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2002 conference committee

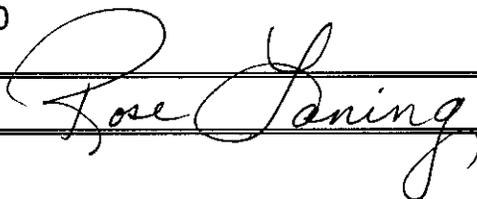
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 25, 2009

Recorder Job Number: 12250

Committee Clerk Signature



Minutes:

Chairman Christmann: Called the conference committee hearing to order on SB 2002 which concerned the judge's salaries. The minutes are to reflect that all committee members are present: **Senators Christmann, Kilzer, Warner; Representatives Kempenich, Berg and Kaldor.**

Chairman Christmann: I need to be refreshed on what the funding for the Parent coordinator funding position is?

Becky Keller: Legislative Council: \$52,040.

Rep. Kempenich: It's one-time funding out of general funds. It was our feeling to get this program up and running and get people trained in it and then they will train others.

Chairman Christmann: Thoughts in general? Is there something you wanted to add on the parental training?

Rep. Berg: What we did. We liked the idea and the concept here is taking something that is solvable out of the legal process. No one is forced to do it but it is an opportunity for disputing parents to get something resolved and it could prevent litigation. The way it was presented to us it looked like an ongoing program that would require general funds on and on. When it as presented to us they said it would cost initial money but the overall savings to judicial should be 5X what it costs us. So the focus we are trying to make is to help to get it up and running

but if want to continue this program it should come from savings by not having as many court cases. That was concept. We like program and did onetime money and was for training to get people up to speed and there is fees associated with it to make it sustain.

Senator Warner: We would hire someone from out of state to come in and train existing workers within the court system in the new skill set and then they would become self generating.

Rep. Berg: What we really want to do is insure that 50% of the people will be hired and 50% contracted out as we move forward.

Chairman Christmann: I will tell you my thoughts and we can talk about it and figure out what motion someone will make in the next seventeen minutes. Regarding the parenting coordinator deal, I am a skeptic of the whole thing. If parents dislike each other this much, that they are putting their kids through this, I don't think the classes are going to help either. My opinion is no Judge's; I'd like to see it compromised down to one. In the Senate voted to go to 2 judges, every judge has to have their own reporter. If the feeling is that this number should be less or non-existing on the parenting coordinators if we do this much money. I think we should have a motion that Senate accede to the House amendments but if that can be altered than we should have a motion that House recede from their amendments and further amend by changing that.

Rep. Kaldor: We discussed the \$52,000, and that got more attention than the 1.4 billion. There was testimony relating to experiences from other states and your right, that parents will use their children as pawns. The coordinator isn't to train parents, but resolve disputes without taking up court time. It doesn't mean they won't have disagreements. The coordinators are much less expensive than judges.

Senator Kilzer: How would fees paid by parents be collected and how would that process be?

Rep. Kempenich: The courts were going to set it up and stay in front of things. It's more of the visitation that's where the pawns get used in a divorce. It's more in representing the kids and the visitation set up.

Senator Kilzer: Would the courts have authority to tell some parents that they have to go through this process before you can file another court case?

Rep. Kempenich: The courts can do a lot of things if they want to, but it wasn't a forced thing to start out with. This was an after the fact thing after the divorce. There was no requirement to go through this after the divorce.

Rep. Berg: My recollection is no one could mandate that they go through it parents would have to agree to it. We all look at things differently and the concerns of majority of the committee, with this, came through. We really vetted this in a lot of depth. We didn't want it to be something mandatory. So we said we are going to provide this \$50,000 for training and in 2 years, we'll know if it's working. This \$52,000 will get it up and running and questions will be answered in this 2 year period. If the program doesn't have parents who voluntarily want to go through this the program will go away and if it works it saves 200 hours of court time that's good.

Chairman Christmann: Was there any discussion if the court could find the money out of operating line or does this need to be separate and that they really needed the money?

Rep. Kaldor: In our discussion was they needed the start up funds for this biennium, but in the future they should be able to find the money if they needed to continue to do more training.

Rep. Berg: With a 71 million dollar budget, they won't have problem finding \$50,000. We thought this would be good faith on our part and put legislative stamp on it. It will be tracked and have some accountability.

Senator Kilzer: I'm not convinced about this \$52,000 item. I don't see evidence from other states and I don't support it.

Chairman Christmann: Becky, if that item is not in there, does that prevent the court from giving than any other operating money they have in their budget, or do they need specific language?

Becky: I would think they could use any operating that they have available.

Rep. Berg: I am not sure I understand Senator Kilzer if the issue is money or do you have an issue with program?

Senator Kilzer: If you have two people who are really mad at each other, this will not cut down on their goals of them continuing to fight.

Rep. Berg: If there aren't two senators who agree, I'd like to get the information together and share it to Senator Kilzer because with the skepticism we have right now was the same that our committee had and it was almost unanimous in support of the program.

Chairman Christmann: Becky, to what extent did we authorize this in the Senate bill?

Becky Keller: There is a separate bill that already passed the House and Senate that created the program and the Senate added the funding to do training for that and then the House made it one time funding.

Chairman Christmann: So we already have this money in the bill?

Rep. Berg: I would move Rep. Kempenich's motion for Cass county court house.

Rep. Kaldor: I will second the motion.

Chairman Christmann: This is for funds for the Cass County court house.

Rep. Berg: This is different because of court unification what it will do to the court system and the State does have some obligation as the facility needs growth.

Senator Warner: If this passes, Dunn County will be back next session and their court house is a falling heap.

Chairman Christmann: We have the motion and the second for the amendment 0204.

A Roll Call vote was taken. Yea: 2 Nay: 4 Absent: 0

Motion fails.

Senator Warner: Moved that the Senate accede to House amendments.

Rep. Berg: seconded.

A Roll Call vote was taken. Yea: 5 Nay: 1 Absent: 0

Chairman Christmann: Closed the hearing on SB 2002.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Failed

That the Senate accede to the House amendments as printed on page 1246 of the Senate Journal and page 1178 of the House Journal and that Engrossed Senate Bill No. 2002 be further amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 3, after "judges" insert "; and to declare an emergency"

Page 4, after line 10, insert:

"SECTION 7. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER GOVERNMENT SERVICES FUNDS - ADDITIONAL FUNDING APPROVAL.

The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the judicial branch, for the period beginning with the effective date of this Act and ending June 30, 2011, for the following capital construction project:

Cass County courthouse addition	\$2,000,000
---------------------------------	-------------

The judicial branch may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011. Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 8. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an appropriation from undesignated federal fiscal stimulus funds to the judicial branch for an addition to the Cass County Courthouse.

(Cass County courthouse)
Kempenich - filed
. 0204

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number SB 2002 (, as (re)engrossed)

Date: April 25, 2009

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

	YES / NO		YES / NO
<input checked="" type="checkbox"/> Christmann		<input checked="" type="checkbox"/> Kempenich	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Kilger		<input checked="" type="checkbox"/> Berg	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Warner		<input checked="" type="checkbox"/> Kaldor	<input checked="" type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 2002 (, as engrossed)

Date: April 25, 2009

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

	YES / NO			YES / NO	
<u>Christmann</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Kemperich</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Kilger</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Berg</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Warner</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Kaldor</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/H) page(s) 1246 - _____

and place 2002 on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

(Engrossed) SB 2002 was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Sen Warner

SECONDED BY: Rep Berg

VOTE COUNT 5 YES 1 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Christmann, Kilzer, Warner and Reps. Kempenich, Berg, Kaldor) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1246 and place SB 2002 on the Seventh order.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

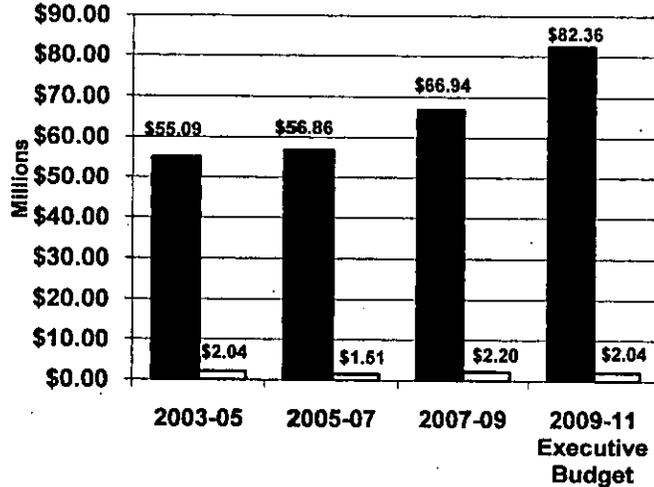
SB 2002

**Department 180 - Judicial Branch
 Senate Bill No. 2002**

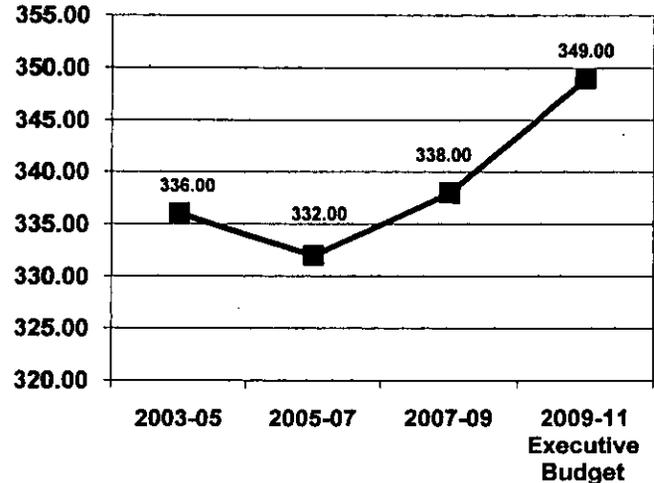
	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	349.00	\$82,362,546	\$2,044,807	\$84,407,353
2007-09 Legislative Appropriations	338.00	66,935,878	2,199,640	69,135,518 ¹
Increase (Decrease)	11.00	\$15,426,668	(\$154,833)	\$15,271,835

¹The 2007-09 appropriation amounts do not include \$20,750 of additional special funds carryover authority.

Agency Funding



FTE Positions



■ General Fund □ Other Funds

Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 Executive Budget	\$74,107,205	\$8,255,341	\$82,362,546
2007-09 Legislative Appropriations	65,445,128	1,490,750	66,935,878
Increase (Decrease)	\$8,662,077	\$6,764,591	\$15,426,668

First House Action

Attached is a summary of first house changes.

**Executive Budget Highlights
 (With First House Changes in Bold)**

	General Fund	Other Funds	Total
Supreme Court			
1. Provides funding for a 5 percent salary increase for Supreme Court justices for each year of the biennium	\$120,009		\$120,009
2. Adds funding for 1 FTE staff attorney position (\$172,663) and related operating expenses (\$2,300). The Senate removed this FTE position and related funding.	\$174,963		\$174,963
3. Provides one-time funding for equipment over \$5,000	\$6,000		\$6,000
4. Provides one-time funding for information technology equipment over \$5,000	\$6,549		\$6,549
District Court			
5. Provides funding for a 5 percent salary increase for district court judges for each year of the biennium	\$882,803		\$882,803
Adds funding for 10 FTE positions (\$1,185,293) and related operating expenses (\$43,000). The FTE positions include:	\$1,228,293		\$1,228,293
• Four FTE technology coordinator positions - The Senate removed these FTE positions but retained the funding of			

\$473,484 to allow the agency to use contractors or temporary employees.

- One FTE family court coordinator position - The Senate removed this FTE position and related funding.
- Three FTE deputy clerk of court positions (Burleigh, Cass, and Williams Counties) - The Senate removed these FTE positions and related funding.
- Two FTE law clerk positions (East Central and South Central Districts). The Senate removed these FTE positions and related funding.

7. Removes one-time funding provided to the judicial branch for the 2007-09 biennium	(\$1,490,750)	(\$1,490,750)
8. Decreases funding for the mediation project	(\$284,788)	(\$284,788)
9. Provides one-time funding for the unified court information system replacement project	\$7,258,129	\$7,258,129
10. Provides one-time funding for a management reserve fund for the unified court information system replacement project	\$600,000	\$600,000
11. Provides one-time funding for equipment over \$5,000	\$282,124	\$282,124
12. Provides one-time funding for information technology equipment over \$5,000	\$102,539	\$102,539
13. Increases funding for payments to contract counties providing clerk of district court services	\$287,417	\$287,417
14. Increases funding for juvenile services	\$246,084	\$246,084
15. Provides funding for rental property for the Information Technology Division	\$289,000	\$289,000

Other Sections in Bill

Section 2 provides that, in addition to the amount appropriated as special funds, any other income received from gifts, grants, and donations received by the Supreme Court, district courts, and Judicial Conduct Commission and Disciplinary Board is appropriated for purposes designated for the 2009-11 biennium.

Section 3 provides that the director of the Office of Management and Budget and the State Treasurer may transfer funds between line items of appropriation for the judicial branch of government as requested by the Supreme Court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

Section 4 provides the statutory changes increasing Supreme Court justices' salaries. Supreme Court justices' annual salaries are increased from the current level of \$118,121 to \$124,027, effective July 1, 2009, and to \$130,228, effective July 1, 2010. The Chief Justice of the Supreme Court is entitled to receive an additional \$3,562 per annum effective July 1, 2009, and \$3,740 per annum effective July 1, 2010, an increase from the current additional amount for the Chief Justice of \$3,392 per annum.

Section 7 provides the statutory changes increasing district court judges' salaries. District court judges' annual salaries are increased from the current level of \$108,236 to \$113,648, effective July 1, 2009, and \$119,330, effective July 1, 2010. A presiding judge of a judicial district is entitled to receive an additional \$3,282 per annum effective July 1, 2009, and \$3,447 per annum effective July 1, 2010, an increase from the current additional amount for presiding judges of \$3,126.

Continuing Appropriations

Restitution collection assistance fund - North Dakota Century Code (NDCC) Section 12.1-32-08 - This fund was established for defraying expenses incident to the collection of restitution through imposing a fee equal to the greater of \$10 or 25 percent of the amount of restitution ordered.

Court facilities improvement and maintenance fund - NDCC Sections 27-05.2-08 and 29-26-22 - Funding from this fund may be used by the Court Facilities Improvement Advisory Committee to make grants to counties to provide funds for court facilities and improvement and maintenance projects. The source of these funds is a \$100 fee charged in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and additional collections are deposited equally into the two funds.

Court receivables fund - NDCC Section 27-05.2-04 - Any money received by the clerk which is not required to be deposited in the state general fund, a different special fund, or the county treasury, and which is received as bail or restitution, or otherwise received pursuant to an order of the court is deposited in this fund. Amounts are used for refunding bail, forwarding restitution amounts to entitled recipients, or otherwise making payments as directed by the court.

Major Related Legislation

Senate Bill No. 2042 - This bill establishes a parenting coordinator program and requires that a parenting plan be developed and filed with the court.

Senate Bill No. 2118 - This bill increases compensation to jurors for the first day of required attendance at sessions of the district court.

Senate Bill No. 2121 - This bill provides an appropriation of \$875,094 from the general fund to the judicial branch to establish two additional district court judgeships.

ATTACH:1

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Funding Summary

	Executive Budget	Senate Changes	Senate Version
Supreme Court			
Salaries and wages	\$8,362,659	(\$172,663)	\$8,189,996
Operating expenses	2,199,676	(2,300)	2,197,376
Capital assets	12,549		12,549
Judges' retirement	145,264	(18,243)	127,021
Total all funds	\$10,720,148	(\$193,206)	\$10,526,942
Less estimated income	0	0	0
General fund	\$10,720,148	(\$193,206)	\$10,526,942
FTE	46.00	(1.00)	45.00
District Courts			
Salaries and wages	\$48,839,670	(\$709,509)	\$48,130,161
Operating expenses	20,276,282	85,040	20,361,322
Capital assets	2,301,933		2,301,933
Judges' retirement	563,655	(29,950)	533,705
UND Central Legal Research	80,000		80,000
Alternative dispute resolution	20,000		20,000
Mediation	792,036		792,036
Total all funds	\$72,873,576	(\$654,419)	\$72,219,157
Less estimated income	1,730,461	0	1,730,461
General fund	\$71,143,115	(\$654,419)	\$70,488,696
FTE	299.00	(10.00)	289.00
Judicial Conduct Commission			
Judicial Conduct Commission	\$813,629		\$813,629
Total all funds	\$813,629	\$0	\$813,629
Less estimated income	314,346	0	314,346
General fund	\$499,283	\$0	\$499,283
FTE	4.00	0.00	4.00
Bill Total			
Total all funds	\$84,407,353	(\$847,625)	\$83,559,728
Less estimated income	2,044,807	0	2,044,807
General fund	\$82,362,546	(\$847,625)	\$81,514,921
FTE	349.00	(11.00)	338.00

Senate Bill No. 2002 - Supreme Court - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$8,362,659	(\$172,663)	\$8,189,996
Operating expenses	2,199,676	(2,300)	2,197,376
Capital assets	12,549		12,549
Judges' retirement	145,264	(18,243)	127,021
Total all funds	\$10,720,148	(\$193,206)	\$10,526,942
Less estimated income	0	0	0
General fund	\$10,720,148	(\$193,206)	\$10,526,942
FTE	46.00	(1.00)	45.00

Department 181 - Supreme Court - Detail of Senate Changes

	Removes New Attorney Position ¹	Reduces Judges' Retirement ²	Total Senate Changes
Salaries and wages	(172,663)		(172,663)
Operating expenses	(2,300)		(2,300)
Capital assets			
Judges' retirement		(18,243)	(18,243)
Total all funds	(\$174,963)	(\$18,243)	(\$193,206)
Less estimated income	0	0	0
General fund	(\$174,963)	(\$18,243)	(\$193,206)
FTE	(1.00)	0.00	(1.00)

¹ This amendment removes a staff attorney position and related operating expenses added in the executive recommendation.

² This amendment reduces the amount required for judges' retirement.

Senate Bill No. 2002 - District Courts - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$48,839,670	(\$709,509)	\$48,130,161
Operating expenses	20,276,282	85,040	20,361,322
Capital assets	2,301,933		2,301,933
Judges' retirement	563,655	(29,950)	533,705
UND Central Legal Research	80,000		80,000
Alternative dispute resolution	20,000		20,000
Mediation	792,036		792,036
Total all funds	\$72,873,576	(\$654,419)	\$72,219,157
Less estimated income	1,730,461	0	1,730,461
General fund	\$71,143,115	(\$654,419)	\$70,488,696
FTE	299.00	(10.00)	289.00

Department 182 - District Courts - Detail of Senate Changes

	Removes New Technology Positions ¹	Removes New Family Court Position ²	Removes New Clerk of Court Positions ³	Removes New Law Clerk Positions ⁴	Removes Operating Expenses ⁵	Adds Funding for Parenting Coordinator Program ⁶
Salaries and wages		(128,005)	(303,510)	(277,994)		
Operating expenses					(43,000)	52,040
Capital assets						
Judges' retirement						
UND Central Legal Research						
Alternative dispute resolution						
Mediation						
Total all funds	\$0	(\$128,005)	(\$303,510)	(\$277,994)	(\$43,000)	\$52,040
Less estimated income	0	0	0	0	0	0
General fund	\$0	(\$128,005)	(\$303,510)	(\$277,994)	(\$43,000)	\$52,040
FTE	(4.00)	(1.00)	(3.00)	(2.00)	0.00	0.00

	Reduces Judges' Retirement ⁷	Adds Funding for Increasing Juror Compensation ⁸	Total Senate Changes
Salaries and wages			(709,509)
Operating expenses		76,000	85,040
Capital assets			
Judges' retirement	(29,950)		(29,950)
UND Central Legal Research			
Alternative dispute resolution			
Mediation			
Total all funds	(\$29,950)	\$76,000	(\$654,419)
Less estimated income	0	0	0
General fund	(\$29,950)	\$76,000	(\$654,419)
FTE	0.00	0.00	(10.00)

¹ This amendment removes 4 FTE technology coordinator positions added in the agency request but does not remove the related funding of \$473,484 to allow the Supreme Court to hire temporary employees or contract for the services.

² One FTE family court coordinator position added in the agency request is removed.

³ Three FTE deputy clerk of court positions added in the agency request are removed.

⁴ Two FTE law clerk positions added in the agency request are removed.

⁵ Funding for operating expenses added in the agency request relating to the new FTE positions is removed.

This amendment provides funding for the administration of a parenting coordinator program.

This amendment reduces the amount required for the judges' retirement.

⁸ Funding is added for increasing juror compensation from \$25 to \$50 per day.

Senate Bill No. 2002 - Judicial Conduct Commission - Senate Action

The Senate did not change the executive budget recommendation for the Judicial Conduct Commission.

Senate Bill 2002
House Appropriations Committee
by Chief Justice Gerald W. VandeWalle
February 26, 2009

Chairman Delzer and members of the Government Operations Committee

My name is Gerald VandeWalle. I am the Chief Justice of the North Dakota Supreme Court. I will very briefly introduce the budget for the Judicial Branch of the State. Sally Holewa, the State Court Administrator, and Don Wolf, the Director of Finance for the Judicial System, will fill in the details. My colleagues, the other Justices of the Supreme Court, are also here. Some will speak and all of us are available for any questions you might have.

The letter from the Chairman outlined the matters you want covered in the overview. Although Sally and Don will go into more detail in their presentations, I do note that the major initiative in this budget is the case-management system. It will come as no surprise to you because you have provided money in the current and prior biennium for planning and preparation. Two years ago we withdrew the request for money to purchase the system because we were not yet ready. We have invested time and money in preparing for the new system. We have done our due diligence and, as Justice Sandstrom will outline, we are prepared to move ahead with confidence in our project.

You also requested information about the long-term plan for improving the efficiency and effectiveness of our mission and purpose. From the administrative

standpoint, the Judicial System has for several years had a planning component as well as other committees to study and recommend improvements in the efficiency and effectiveness of the Judicial Branch. Those recommendations have resulted in numerous ongoing initiatives by which we gauge our effectiveness such as the weighted caseload system to determine the judge need, and the work assessment system to determine the need for employees and where the need exists. This has enabled us to move positions to the place where there is an illustrated need. The docket currency rule tracks the trial court caseload and the docket currency reports, reviewed by the presiding judge of the district, the state court administrator and the chief justice, enables us to ensure that pending cases are disposed of promptly and do not fall between the cracks. Of course the case-management system which I referred to earlier is the big tool that enables us to quickly and efficiently track those cases. Although a substantial part of what we need to track can presently be found on the current system there are some matters we are unable to track on that system that will be readily found on the new system.

One of the major initiatives came about as a result of the process of unifying the courts. It became apparent that the reduction in the number of judges, and the subsequent move of the clerks of court from the county to the State meant the trial judges could no longer be primarily responsible for the hands-on administrative duties of the trial court. Their time was needed for the adjudicative process. The reduction of the number of judges coupled with the additional administrative

oversight needed as a result of the move of the clerks of court into the judicial system from the counties meant that the time needed for administration was increasing and the caseload was increasing, while the number of judges was decreasing. I became chief justice as the process was beginning. I knew we needed trial court administrators and, when the clerks were moved to the judicial system, we divided the seven judicial districts into four administrative units with two judicial districts in each administrative unit except for the Northwest Judicial District, the largest geographical district in the State, which is a unit unto itself with two multi-judge chambers in the district, one at Minot and the other at Williston. Court administration is not necessarily intuitive to judges or lawyers and, although it took some time, we now have a trained trial court administrator in each unit. These people are skilled in personnel administration as well as case-flow management and have substantially increased the efficiency of the trial courts. Had each trial judge continued to manage separate dockets and be responsible for administrative matters, we would have been requesting additional judges several years ago.

I believe that covers most of the major ongoing long-term planning and measures for improving efficiency and effectiveness. It is a never ending process and we need to adjust as the forces which affect us change.

Thank you Chairman Delzer. I will be happy to answer any questions now or during or after the remainder of the presentation.

Senate Bill 2002
Senate Appropriations Committee
by Sally Holewa, State Court Administrator

Good morning, Chairman Holmberg and members of the Senate

Appropriations Committee:

For the record, my name is Sally Holewa. I am the state court administrator. I will be providing a general overview of our budget request. Don Wolf, our Director of Finance, will provide the details contained in our 2009-11 budget request.

In preparing our 2009-11 budget, we directed the judicial districts, operating units of the Supreme Court, and the Judicial Conduct Commission to build their budgets based on need. While the directive was to consider the needs of their respective division, everyone was advised of the guidelines provided by Governor Hoeven to executive branch agencies.

Our budget request for the 2009-11 biennium is \$84,407,353. This represents an increase of \$16,741,835 or 24.7%. The bulk of this increase is for judicial and employee salaries (\$8 million for maintenance of the salary increases from last biennium and the anticipated salary increases for the coming biennium)

and one-time technology costs of \$7.3 million. The remaining increase comes from incremental changes in program and operating costs.

Our budget request is allocated between 3 divisions: the district court budget is \$72,973,576, which is 86% of our total appropriation; the Supreme Court budget is \$10,720,148 or 13% of our budget request; and the Judicial Conduct Commission and Disciplinary Board budget request is \$813,629 or 1% of our budget.

Salary and Wages

Overall, salary and benefits comprise 68% of our budget, which supports 289 employees, 42 judges and 5 justices.

We utilize a number of different performance measures within the judiciary to review workloads and staffing levels. Our docket currency standards, weighted caseload standards for district court judges, and weighted workload standards for clerk of court personnel and juvenile court personnel all provide guidelines upon which we monitor judicial and employee needs in the trial courts. In addition to these objective measurements, we go through an extensive justification process for refilling every vacancy and have moved positions from one division or district to another if the need is greater elsewhere. Having said that, this budget includes a request for 11 new FTEs. They are:

- 3 Deputy Clerk of Court positions (Fargo, Bismarck, Williston)
 - 2 Law Clerk positions (Fargo, Bismarck)
 - 4 Technology Coordinator positions (Supreme Court)
 - 1 Family Court Coordinator position (Grand Forks)
 - 1 Staff Attorney position for the Supreme Court
-
- 11 FTEs

This does not include the request for three new judges and support staff, which is being requested separately under SB 2121.

Deputy Clerk positions: Our workload study for the clerk offices shows a statewide shortage of deputy clerks. The most serious shortages are in Bismarck, with a shortage of 2.43 FTEs; Fargo, with a shortage of 2.25 FTEs; and Williston, with a shortage of 1.53 FTEs. This is a front-line customer service position, as well as the primary position for data entry and case management. An adequate number of deputy clerks is essential to the court being able to operate on a day-to-day basis.

To fill these shortages, we have historically moved positions from counties with an overage to those with a shortage. We have exhausted this option, as we no longer have any county with a significant overage. In addition, over the past 3 years, we have begun sharing some work between clerk offices to alleviate these shortages. These shared duties include fine collection, jury management, and temporary assistance with records retention. At some point, though, you run out of

duties that can be effectively shared across distance without creating a delay in case processing. We believe we have done everything we can to compensate for the shortage, but we are simply in need of more people to do the work.

Law Clerk positions: The law clerk positions would serve the East Central Judicial District and South Central Judicial District. One would be housed in Fargo and the other in Bismarck. Both of these judicial districts are high volume districts and the judges spend much of their days on the bench hearing cases. Law clerks assist the judges by doing legal research for the judges and referees.

Technology Coordinator positions: The technology coordinator position is an education position housed in the technology department. A technology coordinator is a subject matter expert who understands the business side of the courts and the computer systems we use to manage the courts. He or she is responsible for testing new releases of software, as well as developing training materials, and training judges and staff on how to use computer equipment, juvenile and district court case management software, jury software, and basic computing skills such as file management, word processing, and spreadsheets. We currently have one person in this position. We are asking for an additional four positions. As we move into our new case management system, we will be undergoing an extensive shift in our model of modifying our software and training

our end users. Our current case management system is a mature system that is an in-house system, which has been in place for 20 years. It requires few modifications and little training for current users when a change is made. In addition, we have been able to train new users individually as they are hired. For these reasons, we have been able to get by with one technology coordinator and one Help Desk technician.

The case management system we are switching to will require that all users, including staff, judges, and others who utilize our case management system, be re-trained in the same time period. Following the initial training and implementation, we expect a sharp increase in calls to the Help Desk and requests for additional on-site training. In addition, the software vendor releases changes to the software every quarter and mandates an annual version upgrade. Each of these events involves extensive testing to determine whether or not the changes can be incorporated into our business practices. These are not positions that can be outsourced because they require an extensive knowledge of our business processes. These positions are critical to successful implementation and on-going management of the case management system. Without that, the daily operations of the court will come to a halt.

Family Court Coordinator: The family court coordinator position is currently a full-time temporary position that manages the family court pilot project in the Northeast and Northeast Central Judicial Districts. This is a special division of the family court that uses problem-solving court techniques, similar to drug court, to address the needs of troubled families. Family cases involving domestic violence, drug or alcohol issues, sexual abuse, child abuse or neglect, or mental health issues are referred to this court. These cases are placed on an expedited schedule. The court may require members of the family to undergo testing, counseling or treatment for addiction, mental health, or domestic violence, or place other conditions on them. Families return to the court every six weeks to report on the progress that is being made. This pilot project has been in operation since 2003, and we believe it has proven its worth.

Staff Attorney position: There are currently two full-time staff attorney positions assigned to the Office of the State Court Administrator. These positions are used to staff committee meetings, draft court rules and forms, prepare bill drafts and resolutions, review contracts, advise employees on legal issues, and respond to requests for information from the public and other state court systems. As the number of employees and committees has grown, we are finding it difficult to meet the competing demands and still respond in a thorough and timely fashion.

The remaining increases in salary and wages can be attributed to the request for the anticipated 5% and 5% increases for all state employees, for judicial salaries, and regular maintenance of our compensation system.

Judicial Salaries

We are requesting a judicial salary increase of 5% for each year of the biennium. This increase is consistent with the recommended increase for state employees and consistent with the overall attempt to raise all state positions to approach market rate. Compared to national salaries, North Dakota judge's rank 49th in compensation.

Case Management System

We are requesting one-time funding of \$7.258 million to complete our replacement of the Unified Court Information System (UCIS). The case management system is the key software system we use to track and manage cases, to report case information to others, and to collect and analyze case data. The product we have selected is the Odyssey System by Tyler Technologies. It is currently installed statewide in Minnesota, Indiana, New Mexico, and New Hampshire, as well as in many local courts, including the courts in Tampa, Dallas, and Las Vegas. It is a proven system by a vendor with an excellent track record. Justice Sandstrom,

who chairs the Court Technology Committee, is here today and will provide you with further information about this project.

Family Mediation Program

Last biennium, we began a family mediation program. The program is currently operating in the South Central Judicial District, which is the Bismarck-Mandan area and the 10 surrounding counties, and the Northeast Central Judicial District, which includes Grand Forks and Nelson counties. We were able to implement the program for significantly less money than anticipated. When we made the request, we anticipated having to train mediators and provide them with office space. Instead, we were able to hire experienced mediators who already had office space. We also anticipated that couples going through mediation would use the full 6 hours available, but we are finding that the majority of cases require less than that. For these reasons, we have decreased our budget request for this program, even though we are expanding the program itself.

Drug Courts

During the past biennium, juvenile drug courts were started in Minot and Williston. We are currently in the process of establishing a juvenile drug court in Devils Lake. Juvenile drug courts are included in the courts budget. The cost to operate a juvenile drug court is \$65,000 per court per year. We are also operating

adult drug courts in Fargo, Bismarck, Grand Forks and Minot. Funds for these courts are included in the Corrections and Human Services budgets.

Drug courts have proven successful in making permanent, positive changes in the lives of those who come before them. We are requesting your continued support of these programs.

Conclusion

The rest of the increases in the budget are attributable to incremental increases across a wide array of operating costs which Don Wolf, our Director of Finance, will cover in his presentation.

Our budget has been prepared recognizing that we have been fortunate in North Dakota compared to financial circumstances in many other states. Our budget is a responsible budget. It represents a thoughtful, conservative approach to fund all operations within the courts of the state assuring there will be no reduction in service delivery to the citizens in 53 counties of our state.

Thank you.

Senate Bill 2002
House Appropriations - Government Operations
Presented by Sally Holewa, State Court Administrator
February 26, 2009

Good afternoon, Chairman Delzer and members of the Committee:

For the record, my name is Sally Holewa. I am the State Court Administrator. I will be providing a general overview of our budget request. Don Wolf, our Director of Finance, will provide the details contained in our 2009-11 budget request.

The Judicial Branch appropriation funds the personnel, programs, and operating costs for the supreme court, the district courts, and the Judicial Conduct Commission and Disciplinary Board. Our initial budget request for the 2009-2011 biennium was \$84,407,353. This included funding for seven FTE positions which were removed by the Senate. This change brought our appropriation request down to \$83,559,728.

The bulk of our requested increase for the next biennium comes in just two areas: salaries and technology. Salaries and wages comprise 67% of our total budget. We are requesting approximately \$7.1 million to maintain the salary increases from the last biennium, to cover the anticipated employee salary increase

of 5% per year for the coming biennium, and a 5% per year increase in judicial salaries. We are also asking the House Appropriations Committee to reinstate three of the FTE positions that were removed by the Senate Appropriations Committee.

We are requesting \$7.3 million as one-time spending to complete our case management system replacement project.

The remaining increases in our budget come from incremental changes in programs and operating costs.

Deputy Clerk Positions

The Judicial Branch has always been frugal in requesting new staff. We utilize a number of different performance measures to review workloads and staffing levels. Our docket currency standards, weighted caseload standards for district court judges, and weighted workload standards for clerk of court personnel and juvenile court personnel all provide guidelines upon which we monitor judicial and staffing needs in the trial courts. In addition to these objective measurements, we go through an extensive justification process for refilling every vacancy and have moved positions from one division or district to another if the need is greater elsewhere.

Our workload study for the clerk offices show a statewide shortage of

deputy clerks. The most serious shortages are in Bismarck, with a shortage of 2.43 FTEs; Fargo, with a shortage of 2.25 FTEs; and Williston, with a shortage of 1.53 FTEs. To fill these shortages, we have historically moved positions from counties with an overage to those with a shortage. We have exhausted this option, as we no longer have any county with a significant overage. In addition, over the past 3 years, we have begun sharing some work between clerk offices to alleviate these shortages. These shared duties include fine collection, jury management, and temporary assistance with records retention.

This is a front-line customer service position, as well as the primary position for data entry and case management. An adequate number of deputy clerks is essential to the court being able to operate on a day-to-day basis. This is truly the place where the rubber meets the road as far as assisting the public and ensuring that information on hearing dates, sentences, and judgments is accurate and up-to-date. Much of what they do is already automated. The new case management system will introduce some efficiencies, primarily in how files are stored and accessed, but it will not eliminate the need for clerks to continue to accept, review and handle case documents, update case information, and assist litigants.

Case Management System

We are requesting one-time funding of \$7.258 million to complete our

replacement of the Unified Court Information System (UCIS). The case management system is the key software system we use to track and manage cases, to report case information to others, and to collect and analyze case data. Our current system is written in an obsolete programming language and sits on an aging platform. It lacks financial and security controls and is not capable of supporting new technologies such as electronic document storage. We are currently in the execution phase of the project and expect to complete the statewide rollout by June 30, 2011.

The product we have selected is the Odyssey System by Tyler Technologies. It is currently installed statewide in Minnesota, Indiana, New Mexico, and New Hampshire, as well as in many local courts in Texas, Florida and Georgia. It is a proven system by a vendor with an excellent track record. Justice Dale Sandstrom, who chairs the Court Technology Committee is here today and will provide you with further information about this project. Justice Daniel Crothers is also familiar with this project and is available today to answer your questions.

I will turn now to the two major programs we have within the judiciary, the family mediation program and juvenile drug courts.

Family Mediation Program

Last biennium, with your help and approval we began a family mediation program. The program is currently operating in the South Central Judicial District, which is the Bismarck-Mandan area and the 10 surrounding counties, and the Northeast Central Judicial District, which includes Grand Forks and Nelson counties. We had no past model upon which to base the budget for this project and we could only predict what the cost would be. As it turns out, we were able to implement the program for significantly less than anticipated. When we made the request, we anticipated having to train mediators and provide them with office space. Instead, we were able to hire experienced mediators who already had office space. We also anticipated that couples going through mediation would use the full 6 hours available, but we are finding that the majority of cases require less than that. For these reasons, we have decreased our budget request for this program, even though we are expanding the program itself. The unspent funds appropriated for this program are included in our turnback.

Drug Courts

During the past biennium, juvenile drug courts were started in Minot and Williston. We are currently in the process of establishing a juvenile drug

court in Devils Lake. Juvenile drug courts are included in the courts budget. The cost to operate a juvenile drug court is \$65,000 per court per year. We are also operating adult drug courts in Fargo, Bismarck, Grand Forks and Minot. Funds for these courts are included in the Corrections and Human Services budgets.

Drug courts have proven successful in making permanent, positive changes in the lives of those who come before them. We are requesting your continued support of these programs. Justice Mary Muehlen Maring has been instrumental in bringing juvenile drug courts to North Dakota and nurturing their growth and success. She is present today and is available to answer any questions you may have.

Conclusion

The rest of the increases in the budget are attributable to incremental increases across a wide array of operating costs which Don Wolf, our Director of Finance, will cover in his presentation, as well as the information the Committee has requested regarding our actual revenues and expenditures over the past two bienniums and our anticipated turnback.

Our budget has been prepared recognizing that we have been fortunate in North Dakota compared to financial circumstances in many other states.

Our budget is a responsible budget. It represents a thoughtful, conservative approach to fund all operations within the courts of the state, assuring there will be no reduction in service delivery to the citizens in any of the 53 counties of our state.

Thank you.

Senate Bill 2002
Senate Appropriations Committee
Presented by Justice Dale V. Sandstrom
January 22, 2009

Chairman Holmberg and members of the Appropriations Committee, I'm Dale Sandstrom, one of the justices of the Supreme Court.

This is the seventeenth legislative assembly I've been privileged to testify before as a public official. When I started as an assistant attorney general shortly after the close of the 1975 legislative assembly, the office was carrying out its licensing functions in a highly time-consuming process that involved typewriters and carbon paper, and "document retrieval" meant attorneys regularly heading to the sub-basement of the Capitol to dig through file cabinets to pull carbon copies of opinions or other documents more than ten years old. I began advocating then, as I advocate now, that government should employ modern business methods to enable it to more effectively and efficiently do its work while also making it easier for "customers" to do business with government.

UCIS Replacement

Our district court case management system—UCIS—is 20 years old. It is the system used by the district courts to track cases and to ensure that all cases are disposed of in a timely manner. Although it has served us well, the system is obsolete; it lacks the capacity for modern business-process integration and financial controls. Last biennium you appropriated the funds for comprehensive analysis, planning, and vendor selection. We are now seeking the funding to implement replacement of the UCIS system.

The judicial system has been intensely involved in analysis, planning, and vendor selection. Under our standing Committee on Court Technology, an Operations Oversight Group—consisting of a district court judge, a supreme court justice, the state court administrator, a trial court administrator, a clerk of district court, the project manager, and our judicial branch IT director—has been meeting week in and week out. Three portfolio groups

were established to assess our judicial system functioning and to identify requirements and desires leading to our request for proposals. A total of nine vendors submitted proposals. The proposals were narrowed to the top three vendors, who were invited to demonstrate their products and permit our employees hands-on use. Fifty-four court employees viewed and assessed the products. After the vendors were narrowed to the top two, clerks of court spent days actually using the products to enter data. The operations group then did site visits to see the products in use and to meet with actual users without the vendors present.

The entire process was observed by ITD's large project oversight analyst, whose comments and suggestions we regularly solicited. We have regularly and timely reported to the State Information Technology Advisory Committee (SITAC). ITD's large project oversight analyst told us that ours was the most comprehensive due-diligence she had ever seen.

After the extensive process, we issued a notice of intent to award the contract to Tyler Technologies. After extensive negotiations, and upon the favorable recommendations of the Operations Oversight Group and the Court Technology Committee, the Supreme Court approved entering into a contract with Tyler, subject to legislative appropriation.

Among the factors that commend Tyler to us is that it is a comprehensive, operational product currently operating in a number of courts, including all the trial courts of Minnesota. It has a fully integrated electronic court record system. With its partner Wiznet it will provide for electronic filing in all of our district courts.

As you can imagine, running the state judicial system involves managing an enormous records system. We need to have a system that will make records available where they're needed and when they're needed. Judges need to have complete files when they make decisions. We must preserve court information and make that information accessible. And, we want to reduce operational costs and record-storage costs. We will be moving to a system in which electronic case folders will replace the current paper case files that are stored in courthouses across the state.

This system will make it easier for our "customers" to do business with us. Lawyers and self-represented parties will be able to file documents with the courts without leaving their offices. They will be able to review filed documents without going to a courthouse. Judges will have the complete file available when making decisions, and publicly accessible files will be available in the office of the clerk of district court, even when the judge is working with the file or the case is on appeal at the Supreme Court. The public will be able to pay fines over the Internet or by telephone using an automated system. Workflow will be greatly automated, and "smart processing" will avoid keystrokes and operator error. Data will flow electronically to other government agencies.

We are seeking an appropriation of \$7,258,129 to implement the replacement of UCIS. This is a maximum. It provides a necessary cushion for the unforeseen in the implementation process. Customization and data conversion are major items of focus. The capacity of the state's fiber optic backbone is a significant consideration.

With your approval we plan to move to Cass and Trail as the pilot counties. When we are satisfied there, we anticipate a phased implementation throughout the state in the coming biennium.

Enhanced Records Management with UCIS

Because of the advantages of an electronic-based record, rather than a paper-based record, you appropriated funds for an "enhanced records management system" as an add-on to the UCIS system to be implemented in this biennium. We had been working with the Information Technology Department (ITD) to implement our enhanced records management program within ITD's existing FileNet infrastructure. At the time of our hearing two years ago, we were testing the system in two pilot counties. As the testing proceeded, we agreed that over a distributed network, ITD's FileNet was not working as required. We concluded that with the impending replacement of UCIS, the costs in time and money to make FileNet work with UCIS were not justified. We therefore decided to roll our entire enhanced records management

efforts into UCIS replacement. We spent none of the \$115,750 you appropriated for the UCIS add-on in this biennium, and our Court ordered the entire amount segregated for turn back to the general fund.

Interactive Television

The installation and use of interactive television is an ongoing initiative. Parties and witnesses can appear for proceedings by interactive television to avoid delay or to save the time and expense of travel. Interactive television can enhance access and availability to judicial services in areas where a judge is not chambered, and can enhance public safety by reducing the number of times prisoners are transported. Interactive television is being used in involuntary commitment proceedings to permit expert witnesses to testify without travel.

We currently have interactive television systems operational in fourteen locations. The funds being requested will be used to install systems into an additional four locations.

Digital Audio Recording

As you probably know, the district courts are required to keep a record of everything that is said in court. That's done by court reporters and court recorders, who use audio-recording equipment. Digital audio recording is a method of making a court record with an audio recording stored on a computer. This allows those who need to have access to the record to get it more easily, and it allows judges to keep notes with specific portions of testimony.

Several years ago, we began installing digital audio recording in some of the busiest courtrooms in the state. It was a better system than the older recording systems, and it was cost-effective. At this point, the recording systems we used before we began to install digital audio recording systems have become obsolete. They're no longer sold or repaired, which means we will need to move all the courtrooms to digital audio recording. In some cases, we'll have to upgrade sound systems in order to do so. This is an expensive, but necessary, process. We are requesting funds for digital audio recording in ten more locations in the coming biennium.

Data Sharing

The judicial branch is committed to sharing data. It's not only courts that use the UCIS system—there are more than 500 enrolled users in 53 counties and 10 municipalities. District court information is provided by the state court data warehouse to more than 250 criminal justice and law enforcement personnel. For instance, we share information recorded on traffic citations electronically with law enforcement and the Department of Transportation and divorce information with the Health Department.

We continue to work with the Criminal Justice Information System (CJIS) as it is involved in areas that relate directly and indirectly with the judicial system.

Web Presence

Our website continues to be an information resource for court personnel, attorneys, legislators, and the public. This biennium we have added the district court calendars to the vast array of information we provide online. In addition, we have made the district court case information publicly searchable online.

We were one of the first courts to broadcast the audio of our oral arguments live over the Internet. To make this service more valuable to parties and the public and to increase its usefulness as an educational tool, we are proposing to add video to our webcasts as most state supreme courts do now.

Conclusion

We're asking your favorable consideration of our request for the tools we need to continue to provide efficient and effective judicial service to the people of North Dakota. I'd be happy to address any questions you may have.

Senate Bill 2002
Government Operations Division
House Appropriations Committee
Presented by Justice Dale V. Sandstrom
February 26, 2009

Chairman Delzer and members of the Government Operations Division, I'm Dale Sandstrom, one of the justices of the Supreme Court.

This is the seventeenth legislative assembly I've been privileged to testify before as a public official. When I started as an assistant attorney general shortly after the close of the 1975 legislative assembly, the office was carrying out its licensing functions in a highly time-consuming process that involved typewriters and carbon paper, and "document retrieval" meant attorneys regularly heading to the sub-basement of the Capitol to dig through file cabinets to pull carbon copies of opinions or other documents more than ten years old. I began advocating then, as I advocate now, that government should employ modern business methods to enable it to more effectively and efficiently do its work while also making it easier for "customers" to do business with government.

UCIS Replacement

Our district court case management system—UCIS—is 20 years old. It is the system used by the district courts to track cases and to ensure that all cases are disposed of in a timely manner. Although it has served us well, the system is obsolete; it lacks the capacity for modern business-process integration and financial controls. Some of its limitations include:

- The user interface used by UCIS is an antiquated technology and development method which, when compared to modern graphical interfaces, results in reduced efficiency, difficulty in training, and cumbersome navigation.
- The data structure of UCIS, which tracks cases instead of people, is inadequate to meet the changing needs of the Judiciary and citizens of North Dakota.
- UCIS was initially designed as a case management system. It was later modified to perform extended financial management functions. The current financial controls are cumbersome; limited, and inadequate.

- The current structure, platform, and toolset used by UCIS limits its ability to create visually appealing and functional forms, notices, calendars, and reports.
- UCIS does not include the varied and multiple layers of security needed to accommodate the numerous groups of people requesting access to UCIS data.

For the 2005-2007 biennium you appropriated \$100,000 to study the performance and adequacy of UCIS. Last session you appropriated \$1,375,000 for comprehensive analysis, planning, and vendor selection, and the beginning of implementation in the 2007-2009 biennium. We are now seeking the funding to fully implement replacement of the UCIS system.

The judicial system has been intensely involved in analysis, planning, and vendor selection. Under our standing Committee on Court Technology, an Operations Oversight Group—consisting of a district court judge, a supreme court justice, the state court administrator, a trial court administrator, a clerk of district court, the project manager, and our judicial branch IT director—has been meeting week in and week out. Three portfolio groups were established to assess our judicial system functioning and to identify requirements and desires leading to our request for proposals. A total of nine vendors submitted proposals. The proposals were narrowed to the top three vendors, who were invited to demonstrate their products and permit our employees hands-on use. Fifty-four court employees viewed and assessed the products. After the vendors were narrowed to the top two, clerks of court spent days actually using the products to enter data. The operations group then did site visits to see the products in use and to meet with actual users without the vendors present.

The entire process was observed by ITD's large project oversight analyst, whose comments and suggestions we regularly solicited. We have regularly and timely reported to the State Information Technology Advisory Committee (SITAC). ITD's large project oversight analyst told us that ours was the most comprehensive due-diligence she had ever seen.

After the extensive process, we issued a notice of intent to award the contract to Tyler Technologies. After extensive negotiations, and upon the favorable recommendations of the

Operations Oversight Group and the Court Technology Committee, the Supreme Court approved entering into a contract with Tyler, subject to legislative appropriation.

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Conclusion

We're asking your favorable consideration of our request for the tools we need to continue to provide efficient and effective judicial service to the people of North Dakota. I'd be happy to address any questions you may have.

Uniform Court Information System (“UCIS”) Replacement Timetable

2005-07	\$100,000 appropriated for review of UCIS performance and adequacy
2005-07	Supreme Court Technology Committee review of UCIS performance and adequacy (Justice, District Court Judges, Clerks of Court and Court Administrators)
2007-09	\$1,375,000 appropriated for UCIS replacement project
09/07	Supreme Court Technology Committee and Operations Oversight Group begin work on UCIS replacement project (Committee met no less than every two months; Group met by telephone conference every Friday)
10/07	North Dakota Information Technology Department (“ITD”) Large Project Oversight Manager identified and begins working with Supreme Court Committees
10/07	Project Manager hired
12/07	UCIS replacement Project Plan approved by ITD
12/07	Committees creates Portfolio Groups to concentrate on Case Flow Management, Information Interface and Administrative function requirements of software
04/08	Request For Proposals released to vendors
07/08	Nine vendor Proposals reviewed; three vendors selected for software demonstrations to Committee and 54 court staff
07/08	Clerks of Court data input on two finalist vendors’ software
07/08	Operations Group conducts site visits of finalists
09-10/08	Contract negotiations with Tyler Technologies
11/08	Contract approved by Supreme Court, subject to Legislative appropriation
1/09	Phase “0” work on UCIS replacement project: data fit analysis Uniform
2/09	Phase “1” of implementation leading toward pilot counties

Court Information System (“UCIS”) Additional Information

1. UCIS is 20 years old, written in obsolete RPG computer code
 - a. Few programmers can be located to service RPG software
 - b. Program runs on aging hardware platform (IBM i5) that is outside industry standards
 - c. UCIS has no financial controls
 - d. UCIS has no audit trails so anyone can alter data with no means of identifying who made change
 - e. UCIS lacks security to restrict user access to certain tasks or functions within software
2. Supreme Court’s current appropriation request is culmination of 4 years of study, analysis and research costing approximately \$1,400,000 and thousands of personnel hours
3. ITD’s Large Project Oversight Manager described the Supreme Court UCIS replacement system process as very thorough and a full exercise of due diligence
4. UCIS replacement is required due to danger that major failure of current hardware or software will leave Judicial Branch without an information system. The current system must be replaced.
5. The UCIS interface is cumbersome “green screen” design and Tyler Software has a modern, intuitive, efficient “Windows” type interface that will require less training.
6. UCIS replacement software will carry on all functions of current software plus add functions to allow for electronic filing of documents and electronic record access and management for judges, court personnel, lawyers and self represented litigants
 - a. The need for storage of large paper files will be reduced or eliminated
 - b. Case files will be accessible in many places by many people at the same time
 - c. Fines will be able to be paid by telephone or over the internet
7. The UCIS replacement software will permit data sharing with other governmental agencies including
 - a. The Criminal Justice Information System (“CJIS”)—which has delayed importation of data from existing UCIS pending the new system
 - b. Department of Transportation, Highway Patrol, other law enforcement, Department of Health, Secretary of State, Tax Department

Senate Bill 2002
Senate Appropriations Committee
 Don Wolf, Director of Finance

Mr. Chairman, members of the committee, good morning. My name is Don Wolf and I am the Director of Finance for the Judiciary. I will be providing you with the details regarding the judicial budget request.

JUDICIAL BRANCH	2007-09 Biennium	2009-11 Biennium	Increase (Decrease)
Total appropriation	\$69,135,518	\$84,407,353	\$15,271,835
2007-09 Biennium one-time funding items	(1,490,750)		1,490,750
Base budget	\$67,644,768	\$84,407,353	\$16,762,585
Special funds carryover	20,750		(20,750)
Total Budget	\$67,665,518	\$84,407,353	\$16,741,835

The total **2007-09 biennium** appropriation for the judicial branch is \$69,135,518. Pursuant to Section 8 of 2007 House Bill No. 1002, the 2007-09 biennium one-time funding amounts were not included as part of the base budget for the 2009-11 biennium. The 2007-09 biennium appropriation is reduced by \$1,490,750, of which \$115,750 is for the enhanced records management system and \$1,375,000 is for initial phases of the Unified Court Information System (UCIS) replacement project. Section 4 of 2007 House Bill No. 1002 allows the Judicial Branch to adjust the total appropriation for any additional federal or special funds received during the biennium. Pursuant to this section, the total appropriation was increased by \$20,750 of special funds carryover from an Otto Bremer grant for the Family Court Project in Grand Forks. The total 2007-09 biennium judicial branch base budget is **\$67,665,518**.

The judicial request for the **2009-11 biennium** is **\$84,407,353**, which is an increase of \$16,741,835 or 24.7 percent over the 2007-09 biennium budget. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board.

Subdivision	2007-09 Biennium	2009-11 Biennium	Increase (Decrease)
Supreme Court	\$9,439,021	\$10,720,148	\$1,281,127

District Court	\$57,509,206	\$72,873,576	\$15,364,370
JCC/DB	\$717,291	\$813,629	\$96,338
Total	\$67,665,518	\$84,407,353	\$16,741,835

The change per line item is as follows:

Line Item	2007-09 Appropriation	2009-11 Request	Increase
Salaries and Wages	\$49,174,224	\$57,202,329	\$8,028,105
Operating	\$15,314,616	\$22,475,958	\$7,161,342
Capital Assets	\$ 554,583	\$ 2,314,482	\$1,759,899
Mediation	\$ 1,076,824	\$ 792,036	\$(284,788)
Judges Retirement	\$ 727,980	\$ 708,919	\$ (19,061)
UND – Central Legal Research	\$ 80,000	\$ 80,000	\$ 0
Alternative Dispute Resolution	\$ 20,000	\$ 20,000	\$ 0
JCC/DB	\$ 717,291	\$ 813,629	\$ 96,338
Total	\$67,665,518	\$84,407,353	\$16,741,835

Salaries and Benefits

Salaries and Benefits are 68% of the total judicial request. The requested increase of \$8 million for salaries and wages accounts for 48 percent of the total budget request increase. Details of the increase are as follows:

- The judiciary is requesting increases of 5 percent per year for judges and justices. The cost of this increase, including retirement, is **\$1,002,812**.
- The total cost to provide employee salary and benefit increases per Governor Hoeven's recommendation (3,985,608) and cost to continue the second year of the 2007-09 biennium salary increase (\$1,523,877) is **\$5,509,485**.
- The judiciary is requesting eleven new FTE positions. The total funding for these new positions is **\$1,357,956**.
- An increase in temporary salaries of **\$166,800** is requested for juvenile drug court coordinators. These positions were budgeted as contract employees (operating cost) for the 2007-09 biennium.

Operating

Operating expenses are 27% of the total judicial budget request. The 2009-11 biennium budget request of \$22,475,958 is an increase **\$7,161,342** as compared to the current biennium budget. The increase in operating costs accounts for 43 percent of the total budget request increase. Details of the increase are as follows:

- **UCIS replacement project** – The 2007 Legislative Assembly appropriated \$1,375,000 for the initial phases of the replacement of the Unified Court Information System (UCIS). The two-year planning process included developing an RFP, evaluation and selection of a vendor and the initial process of modifying and developing a system to meet the requirements of the North Dakota Judicial Branch. After an extensive review process, Tyler Technologies of Dallas, Texas, was chosen to implement its Odyssey case management software system.

The agreed to contract provides for Tyler Technologies to be paid \$6,350,000, which includes \$1,500,000 for software and \$4,850,000 for conversion and implementation costs. It is estimated that Tyler Technologies, which started on the project in November 2008, will be paid a total of \$878,850 of the total contract costs in the 2007-09 biennium. The remaining balance of \$5,471,150 is included as part of the District Courts 2009-11 biennium budget request. Additional project funding requested includes \$717,270 for IT equipment over \$5,000 and \$1,069,709 for project management, product support and software. The total 2009-11 biennium budget request for the UCIS replacement project is **\$7,258,129, of which \$5,340,859 is for operating costs** and \$1,917,270 is for capital assets.

- **Management reserve fund** – The IT contractual services line item includes **\$600,000** for a management reserve fund. Per recommendation from the Information Technology Department, a management reserve is requested for unexpected or contingent costs related to the UCIS replacement project that fall outside the scope of the contract. Any unused balance from this fund will be returned to the general fund. The total increase in operating funds for the UCIS replacement project and management reserve fund account for \$5,940,859 or 83 percent of the total operating budget increase.

- **IT rental property** – Additional space is needed for information technology staff, UCIS replacement project developers and to provide training. The Court Administrator worked with Facility Management to identify office space which meets the court’s needs. This space is located at 116 N. 4th Street in Bismarck and consists of 11,156 square feet. The lease provides for the Judicial Branch to pay \$10.64 per square foot or \$237,400 for the biennium. Additional operating costs totaling \$51,600 were included in the budget for janitorial (\$7,200), IT communications and data processing (\$26,400), office equipment and furniture (\$12,000), and miscellaneous supplies (\$6,000). The total request for operating costs relating to the IT rental property is **\$289,000**.
- **Payments to county clerks** – After surveying county auditors for salary information and applying the formula for workload assessment which is based on cases filed in each county, the amount budgeted for contract payments for clerk services increased by \$279,786. Pursuant to North Dakota Century Code Section 27-05.2-02, county board of commissioners may elect to have their county’s clerk of district court and staff to become employees of the state judicial system. A total of 12 counties have made this election. No additional counties made the election for the 2009-11 biennium. Total contract payments to counties for the 2009-11 biennium will be \$2,980,138. In addition, payments to counties for travel and technology costs are estimated to be \$135,577. The total budget for contract clerks is \$3,115,715 or **\$287,417** more than the 2007-09 biennium.
- **Juvenile Services** – This includes programs such as tracking, accountability conferences, community services programs and unruly diversion programs. The total Juvenile Services budget request is \$1,144,256, which is an increase of **\$246,084** as compared to the current biennium. The increase includes \$200,000 for a Native American liaison program in Unit 3. The remaining increase of \$46,084 is for existing programs.
- **Other operating costs** – The budget request for travel increased by **\$125,570** primarily due to increases in state fleet and lodging rates. The request for information technology equipment less than \$5,000 increased by **\$133,882** primarily due to costs associated with converting courtrooms to digital recording

and updating computers and printers. The budget request for information technology contractual services includes **\$128,000** for maintenance and support for the digital recording systems.

Capital Assets

The budget request for capital assets is **\$2,314,482**, of which \$12,549 is for the Supreme Court and \$2,301,933 is for district courts. The total request for equipment over \$5,000 of \$288,124 includes workstations/desks (\$14,000), copy machines (\$91,500), shelving and filing systems for clerk offices (\$149,224), folding machines (\$22,000) and conference tables for the IT rental property (\$5,400) and Supreme Court (\$6,000).

The total budget request for IT capital assets over \$5,000 is \$2,026,358. This includes \$1,917,270 for the UCIS replacement project, of which \$1,200,000 is for the case management software and \$717,270 is for other software and equipment necessary for the project. The remaining request for IT equipment includes server upgrades (\$21,000), an evidence projector for Ramsey County (\$9,500) and digital audio recording equipment for various district courts (\$72,039) and the Supreme Court (\$6,549). Digital audio recording systems are being requested for approximately 12 counties where digital audio systems do not currently exist. The recorders currently being used can no longer be repaired or purchased due to obsolete technology. The digital recording systems are an alternative to these recorders.

Mediation Pilot Project

The mediation program is a pilot project implemented by the North Dakota Judicial System during the 2007-09 biennium. This program is a court-administered family law mediation program for civil proceedings involving custody and visitation disputes. The purpose of this program is not to divert cases out of the court, but to alleviate the emotional distress caused by the adversarial process.

The mediation program is currently operated in the South Central Judicial District and the Northeast Central Judicial District. The budget request would allow for expansion of the program to all of administrative units 1 and 3 for the 2009-11 biennium.

~~2007-09~~

The 2007-09 biennium appropriation for the mediation program was based on the assumption of hiring six employees including mediators and support staff for the two pilot locations. The 2007 Legislative Assembly removed the authority for all the positions, except a program administrator, and transferred the funding from salaries and wages to professional services. Mediators are hired on a contract basis and paid \$170 per hour for up to six hours per case. The use of contract mediators has resulted in cost savings for supplies, equipment, space rental and other operating fees. The 2009-11 biennium budget request for the mediation program is \$792,036 or **\$284,788 less** than the 2007-09 appropriation.

Judge Retirement (NDCC Chapter 27-17 Old Retirement System)

The judges' retirement line item provides for the state's general fund portion of retirement payments to eligible retirees under the old retirement system. There are 3 remaining participants within the Supreme Court budget and 11 participants within the district court budget. The budget request for judge's retirement is **\$708,919**, which is \$19,061 less than the current biennium.

Judicial Conduct Commission and Disciplinary Board (JCC/DB)

Funds of **\$813,629** are being requested for the operations of JCC/DB. This is an increase of \$96,338 as compared to the current biennium. The increase is primarily due to salary increases per the governor's recommendation. No capital assets are being requested.

Conclusion

This concludes my presentation. I would be happy to answer any questions.

Senate Bill 2002
House Appropriations Committee
 Don Wolf, Director of Finance

Mr. Chairman, members of the committee, good afternoon. For the record my name is Don Wolf and I am the Director of Finance for the Judiciary. I will be providing you with the details regarding the judicial budget request.

JUDICIAL BRANCH	2007-09 Biennium	2009-11 Biennium	Increase (Decrease)
Total appropriation	\$69,135,518	\$84,407,353	\$15,271,835
2007-09 Biennium one-time funding items	(1,490,750)		1,490,750
Base budget	\$67,644,768	\$84,407,353	\$16,762,585
Special funds carryover	20,750		(20,750)
Budget Recommendation	\$67,665,518	\$84,407,353	\$16,741,835
Senate changes		(847,625)	(847,625)
Engrossed SB 2002	\$67,665,518	\$83,559,728	\$15,894,210

Total **2005-07 biennium** expenditures for the Judicial Branch were \$58,775,431. This consisted of expenditures for District Court (\$50,136,777), the Supreme Court (\$8,035,703), and the Judicial Conduct Commission and Disciplinary Board (\$602,951).

The total **2007-09 biennium** appropriation for the judicial branch is \$69,135,518. Pursuant to Section 8 of 2007 House Bill No. 1002, the 2007-09 biennium one-time funding amounts were not included as part of the base budget for the 2009-11 biennium. The 2007-09 biennium appropriation is reduced by \$1,490,750, of which \$115,750 is for the enhanced records management system and \$1,375,000 is for initial phases of the Unified Court Information System (UCIS) replacement project. Section 4 of 2007 House Bill No. 1002 allows the Judicial Branch to adjust the total appropriation for any additional federal or special funds received during the biennium. Pursuant to this section, the total appropriation was increased by \$20,750 of special funds carryover from an Otto

Bremer grant for the Family Court Project in Grand Forks. The total 2007-09 biennium judicial branch base budget is **\$67,665,518**.

The **2009-11 biennium** Judicial Branch budget request is **\$84,407,353**, which is an increase of \$16,741,835 or 24.7 percent over the 2007-09 biennium budget. The Senate reduced the budget by \$847,625, for a total adjusted appropriation of \$83,559,728. The appropriation includes funding for the Supreme Court, District Courts and the Judicial Conduct Commission and Disciplinary Board.

Subdivision	2007-09 Biennium	2009-11 Biennium (with Senate changes)	Increase (Decrease)
Supreme Court	\$ 9,439,021	\$10,526,942	\$ 1,087,921
District Court	\$57,509,206	\$72,219,157	\$14,709,951
JCC/DB	\$ 717,291	\$ 813,629	\$ 96,338
Total	\$67,665,518	\$83,559,728	\$15,894,210

Line Item	2007-09 Biennium	2009-11 Biennium (with Senate changes)	Increase (Decrease)
Salaries and Wages	\$49,174,224	\$56,320,157	\$ 7,145,933
Operating	\$15,314,616	\$22,558,698	\$ 7,244,082
Capital Assets	\$ 554,583	\$ 2,314,482	\$ 1,759,899
Mediation	\$ 1,076,824	\$ 792,036	\$ (284,788)
Judges Retirement	\$ 727,980	\$ 660,726	\$ (67,254)
UND – Central Legal Research	\$ 80,000	\$ 80,000	\$ 0
Alternative Dispute Resolution	\$ 20,000	\$ 20,000	\$ 0
JCC/DB	\$ 717,291	\$ 813,629	\$ 96,338
Total	\$67,665,518	\$83,559,728	\$15,894,210

The budget per funding source is as follows:

	2007-09 Biennium	2009-11 Biennium (with Senate changes)	Increase (Decrease)
General fund	\$65,445,128	\$81,514,921	\$16,069,793
Special funds	\$319,799	\$314,346	(\$5,453)
Federal funds	\$1,900,591	\$1,730,461	(\$170,130)
Total	\$67,665,518	\$83,559,728	\$15,894,210

The 2009-11 biennium special funds budget does not include the Otto Bremer carryover grant of \$20,750. The decrease in 2009-11 biennium federal funds budget is due to the loss of a federal underage drinking prevention grant (\$200,082) for the Juvenile Drug Court program. The federal government has determined that the Juvenile Drug Court program no longer qualifies for the grant.

Salaries and Benefits

Salaries and Benefits are 67% of the total judicial budget with Senate changes. The requested increase of \$7.1 million for salaries and wages accounts for 45 percent of the total budget request increase. Details of the increase are as follows:

- The judiciary is requesting increases of 5 percent per year for judges and justices. The cost of this increase, including retirement, is **\$1,002,812**.
- The total cost to provide employee salary and benefit increases per Governor Hoeven's recommendation (3,985,608) and cost to continue the second year of the 2007-09 biennium salary increase (\$1,523,877) is **\$5,509,485**.
- The judiciary is requesting eleven new FTE positions. The total funding for these new positions is **\$1,357,956**. The Senate **reduced** this request by **\$882,172** and removed all eleven of the requested FTE positions. The Senate retained funding of \$475,784 for the judicial branch to hire four IT coordinators on a temporary basis.
- An increase in temporary salaries of **\$166,800** is requested for juvenile drug court coordinators. These positions were budgeted as contract employees (operating cost) for the 2007-09 biennium.
- The appropriation request does not include funding for two new judgeships, which is requested as part of *Senate Bill No. 2121*.

Operating

Operating expenses are 27% of the total judicial budget request. The 2009-11 biennium operating budget with Senate changes is **\$22,558,698**, which is an increase \$7,244,082 as compared to the current biennium budget. The increase in operating costs accounts for 46 percent of the total budget request increase. Details of the increase are as follows:

- **UCIS replacement project** – The 2007 Legislative Assembly appropriated \$1,375,000 for the initial phases of the replacement of the Unified Court Information System (UCIS). The two-year planning process included developing an RFP, evaluation and selection of a vendor and the initial process of modifying and developing a system to meet the requirements of the North Dakota Judicial Branch. After an extensive review process, Tyler Technologies of Dallas, Texas, was chosen to implement its Odyssey case management software system.

The agreed to contract provides for Tyler Technologies to be paid \$6,350,000, which includes \$1,500,000 for software and \$4,850,000 for conversion and implementation costs. It is estimated that Tyler Technologies, which started on the project in November 2008, will be paid a total of \$878,850 of the total contract costs in the 2007-09 biennium. The remaining balance of \$5,471,150 is included as part of the District Courts 2009-11 biennium budget request. Additional project funding requested includes \$717,270 for IT equipment over \$5,000 and \$1,069,709 for project management, product support and software. The total 2009-11 biennium budget request for the UCIS replacement project is **\$7,258,129, of which \$5,340,859 is for operating costs** and \$1,917,270 is for capital assets.

- **Management reserve fund** – The IT contractual services line item includes \$600,000 for a management reserve fund. Per recommendation from the Information Technology Department, a management reserve is requested for unexpected or contingent costs related to the UCIS replacement project that fall outside the scope of the contract. Any unused balance from this fund will be returned to the general fund. The total increase in operating funds for the UCIS replacement project and management reserve fund account for \$5,940,859 or 82 percent of the total operating budget increase.
- **IT rental property** – Additional space is needed for information technology staff, UCIS replacement project developers and to provide training. The Court Administrator worked with Facility Management to identify office space which meets the court's needs. This space is located at 116 N. 4th Street in Bismarck and consists of 11,156 square feet. The lease provides for the Judicial Branch to pay \$10.64 per square foot or \$237,400 for the biennium. Additional operating costs

totaling \$51,600 were included in the budget for janitorial (\$7,200), IT communications and data processing (\$26,400), office equipment and furniture (\$12,000), and miscellaneous supplies (\$6,000). The total request for operating costs relating to the IT rental property is **\$289,000**.

- **Payments to county clerks** – After surveying county auditors for salary information and applying the formula for workload assessment which is based on cases filed in each county, the amount budgeted for contract payments for clerk services increased by \$279,786. Pursuant to North Dakota Century Code Section 27-05.2-02, county board of commissioners may elect to have their county's clerk of district court and staff to become employees of the state judicial system. A total of 12 counties have made this election. No additional counties made the election for the 2009-11 biennium. Total contract payments to counties for the 2009-11 biennium will be \$2,980,138. In addition, payments to counties for travel and technology costs are estimated to be \$135,577. The total budget for contract clerks is \$3,115,715 or **\$287,417** more than the 2007-09 biennium.
- **Juvenile Services** – This includes programs such as tracking, accountability conferences, community services programs and unruly diversion programs. The total Juvenile Services budget request is \$1,144,256, which is an increase of **\$246,084** as compared to the current biennium. The increase includes \$200,000 for a Native American liaison program in Unit 3. The remaining increase of \$46,084 is for existing programs.
- **Other operating costs** – The budget request for travel increased by **\$125,570** primarily due to increases in state fleet and lodging rates. The request for information technology equipment less than \$5,000 increased by **\$133,882** primarily due to costs associated with converting courtrooms to digital recording and updating computers and printers. The budget request for information technology contractual services includes **\$128,000** for maintenance and support for the digital recording systems.
- **Senate Changes** – Per *Senate Bill No. 2118*, the Senate added \$76,000 to increase jury compensation for the first day of required attendance at sessions of the district court from \$25 to \$50 if the juror is in attendance for more than four hours. Per

Senate Bill No. 2042, the Senate added \$52,040 for a parenting coordinator program to assist in resolving parenting time disputes. The Senate reduced funding by \$45,300 for operating costs associated with requested FTE positions. The Senate amendments increased the total operating budget by \$82,740.

Capital Assets

The budget request for capital assets is **\$2,314,482**, of which \$12,549 is for the Supreme Court and \$2,301,933 is for district courts. The total request for equipment over \$5,000 of \$288,124 includes workstations/desks (\$14,000), copy machines (\$91,500), shelving and filing systems for clerk offices (\$149,224), folding machines (\$22,000) and conference tables for the IT rental property (\$5,400) and Supreme Court (\$6,000).

The total budget request for IT capital assets over \$5,000 is \$2,026,358. This includes \$1,917,270 for the UCIS replacement project, of which \$1,200,000 is for the case management software and \$717,270 is for other software and equipment necessary for the project. The remaining request for IT equipment includes server upgrades (\$21,000), an evidence projector for Ramsey County (\$9,500) and digital audio recording equipment for various district courts (\$72,039) and the Supreme Court (\$6,549). Digital audio recording systems are being requested for approximately 12 counties where digital audio systems do not currently exist. The recorders currently being used can no longer be repaired or purchased due to obsolete technology. The digital recording systems are an alternative to these recorders.

Mediation Pilot Project

The mediation program is a pilot project implemented by the North Dakota Judicial System during the 2007-09 biennium. This program is a court-administered family law mediation program for civil proceedings involving custody and visitation disputes. The purpose of this program is not to divert cases out of the court, but to alleviate the emotional distress caused by the adversarial process.

The mediation program is currently operated in the South Central Judicial District and the Northeast Central Judicial District. The budget request would allow for expansion of the program to all of administrative units 1 and 3 for the 2009-11 biennium.

The 2007-09 biennium appropriation for the mediation program was based on the assumption of hiring six employees including mediators and support staff for the two pilot locations. The 2007 Legislative Assembly removed the authority for all the positions, except a program administrator, and transferred the funding from salaries and wages to professional services. Mediators are hired on a contract basis and paid \$170 per hour for up to six hours per case. The use of contract mediators has resulted in cost savings for supplies, equipment, space rental and other operating fees. The 2009-11 biennium budget request for the mediation program is \$792,036 or **\$284,788 less** than the 2007-09 appropriation.

Judge Retirement (NDCC Chapter 27-17 Old Retirement System)

The judges' retirement line item provides for the state's general fund portion of retirement payments to eligible retirees under the old retirement system. There are 2 remaining participants within the Supreme Court budget and 11 participants within the district court budget.

The Senate reduced the budget for judges' retirement by \$48,193 due to recent deaths of a District Court judge and the surviving spouse of a Supreme Court justice. The adjusted budget for judge's retirement is **\$660,721**, which is \$67,254 less than the current biennium.

Judicial Conduct Commission and Disciplinary Board (JCC/DB)

Funds of **\$813,629** are being requested for the operations of JCC/DB. This is an increase of \$96,338 as compared to the current biennium. The increase is primarily due to salary increases per the governor's recommendation. No capital assets are being requested.

Turnback

The 2007-09 biennium estimated general fund turnback for the Judicial Branch is \$2 million. The 2005-07 biennium general fund turnback was \$1,642,380. The increase in turnback is primarily due to the mediation program, which was implemented during the

current biennium. Attached as **Appendix A** is a detailed summary of the anticipated turnback

Since the start of the year the UCIS replacement project has moved from the planning phase to the implementation phase of the project. As a result, information technology costs and information technology equipment purchases will be significantly higher for the remaining months of the current biennium. The timing of project implementation may have some impact on the final turnback.

Conclusion

In conclusion, the total Judicial Branch budget is an increase of \$15,894,210 as compared to the 2007-09 base budget. However increases in salaries and wages and one-time funding amounts account for \$15,496,796 or 97.5 percent of the total increase. I would be happy to answer any questions.

Appendix A:

2007-09 TURNBACK ESTIMATE

	<u>AMOUNT</u>	<u>REASON</u>
Mediation	\$600,000	Use of contract mediators and implementation date.
Salaries and wages	\$600,000	Temporary vacant positions and retirement payout savings.
Judges retirement	\$70,000	Judges passing away during biennium.
Alternative dispute resolution	\$20,000	Program has not been utilized this biennium.
Juvenile services	\$150,000	Utilization less than estimated.
Guardian ad Litem	\$50,000	GAL utilization less than estimated.
Postage	\$100,000	Used restitution collection assistance fund.
Information technology costs	\$200,000	Savings in IT costs and contracts, delays in implementation.
Enhanced records management system	\$115,750	Document imaging project was incorporated into larger project.
Professional supplies	\$75,000	Increase in cost for books and periodicals less than anticipated.
Operating fees and services	\$50,000	Jury fees, bank and credit card costs, and miscellaneous.
Total estimated turnback	<u>\$2,030,750</u>	

January 2009

DRUG COURT FUNDING

This memorandum provides information on funding and full-time equivalent (FTE) positions included in state agency budgets relating to drug courts for the 2007-09 biennium and amounts included in the 2009-11 executive recommendation.

2007-09 Biennium				
	FTE	General Fund	Other Funds	Total
Adult Drug Court				
Department of Corrections and Rehabilitation	5.00	\$775,532		\$775,532
Department of Human Services	4.00	68,802	\$233,921	302,723
Total - Adults	9.00	\$844,334	\$233,921	\$1,078,255
Juvenile Drug Court				
Judicial branch		\$641,718	\$200,082	\$841,800
Department of Human Services	13.00	68,846	187,390	256,236
Total - Juveniles	13.00	\$710,564	\$387,472	\$1,098,036
Total - 2007-09 biennium	22.00	\$1,554,898	\$621,393	\$2,176,291

2009-11 Biennium Executive Budget				
	FTE	General Fund	Other Funds	Total
Adult Drug Court				
Department of Corrections and Rehabilitation	5.00	\$708,480		\$708,480
Department of Human Services	5.00	331,928	\$239,373	571,301
Total - Adults	10.00	\$1,040,408	\$239,373	\$1,279,781
Juvenile Drug Court				
Judicial branch		\$780,000		\$780,000
Department of Human Services	14.00	123,302	\$212,727	336,029
Total - Juveniles	14.00	\$903,302	\$212,727	\$1,116,029
Total - 2009-11 biennium executive budget	24.00	\$1,943,710	\$452,100	\$2,395,810